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ACCOUNTS AND PAPERS,

EIGHT VOLUMES.

—(3.)—

RELATING TO

COLONIES; CANADA; EAST INDIES; NEW SOUTH WALES;

VAN DIEMEN'S LAND.

Session

26 October 1830 — 22 April 1831.

VOL. IX.

1830-31.

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OFFICES IN THE COLONIES.

R E T U R N

Of all PERSONS holding Offices in the Colonies, who have been appointed thereto, subsequent to the passing of an Act of Parliament of the 54th year of His late Majesty King GEORGE the Third, c. 61 ;

AND WHO ARE NOT, AT PRESENT, IN THE EXECUTION OF THE DUTIES OF THEIR RESPECTIVE OFFICES;

**As far as regards the Department of
THE SECRETARY OF STATE FOR THE COLONIES.**

***Ordered, by The House of Commons, to be Printed,
10 March 1831.***

RETURN OF ALL PERSONS HOLDING

Who have been appointed thereto, subsequent to the passing of an Act of Parliament of the
in the execution of the Duties

AS FAR AS REGARDS THE DEPARTMENT OF THE

| NAME OF COLONY. | NAME OF OFFICER. | DESCRIPTION OF OFFICE. | PERIOD For which Leave was granted in the Colony. |
|---------------------|--|---|---|
| Barbadoes - - - | N. Colthurst, Esq. - | Colonial Judge Advocate | One year - - - |
| Ditto - - - | Richard Cook, Esq. - | Captain of the Port - | Six months - - |
| Ditto - - - | James Pairman, Esq. - | Deputy Postmaster - | Six months - - |
| Berbice - - - | D. Power, Esq. - - | Protector - - - | Six months - - |
| Ditto - - - | J. L. Nixon, Esq. - | Receiver General - | Twelve months - - |
| Demerara - - - | Rev. Mr. Luger - - | Rector - - - | Six months - - |
| Ditto - - - | Captain Lowen - - | Bookkeeper General - | Twelve months - - |
| Dominica - - - | Major Gen. Nicolay - | Governor - - - | Six months - - |
| St. Christopher's - | C. Thomson, Esq. - | Attorney General - | Six months - - |
| St. Lucia - - - | Lieut. Chalmers - | Harbour Master - - | Six months - - |
| Trinidad - - - | Major Gen. Grant - | Governor - - - | Six months - - |
| Ditto - - - | H. Mackworth, Esq. - | Alguacil Mayor - - | Six months - - |
| Ditto - - - | W. Wright, Esq. - | Assistant Secretary - | Six months - - |
| Tobago - - - | Baron Pfeilitzer - | Collector of Customs - | Three months - - |
| Ditto - - - | W. Wilson, Esq. - | Customs - - - | Six months - - |
| Mauritius - - - | J. Christie, Esq. - | { Judge in the Court of First Instance - } | Twelve months - - |
| Ditto - - - | J. I. Cooper, Esq. - | { Standing English Coun- sel - - - } | Twelve months - - |
| Ditto - - - | A. W. Blane, Esq. - | Collector of Customs - | Two years - - - |
| Ditto - - - | C. M. M'Carthy, Esq. { | -- Acting Assistant Trea- surer and Paymaster General - - - } | Eighteen months - |
| Ditto - - - | J. Cookny, Esq. - - | { Translator to Govern- ment - - - } | Twelve months - - |
| New Brunswick - - | { M. Gen. Sir H. Douglas, Bart. - - - } | Lieutenant Governor - | Indefinite - - - |

Colonial Department, Downing-street,
24 February 1831. }

OFFICES IN THE COLONIES,

54th year of His late Majesty King GEORGE the Third, c. 61; and who are not, at present, of their respective Offices:—

SECRETARY OF STATE FOR THE COLONIES.

| CAUSE OF ABSENCE. | DATE Of the Governor's Report to the Secretary of State. | WHEN Received by the Secretary of State. | WHETHER Disallowed, or Confirmed, and for what Period. |
|--|--|--|---|
| Private affairs - - | June - - 1830 - | June - - 1830 - | Confirmed. |
| Ill health - - - | 7 December 1830 - | 11 February 1831 - | - ditto. |
| Private affairs - - | - - ditto - - | - - ditto - - | - ditto. |
| Private affairs - - afterwards detained by H. M. Government. | 14 May - - 1829 - | 6 July - - 1829 - | - ditto. |
| Ill health - - - afterwards detained by H. M. Government. | — - - 1826 - | — - - 1826 - | - ditto. |
| Ill health - - - | 21 June - - 1830 - | 11 September 1830 - | { Confirmed and extended to June 1831. |
| Ill health - - - | 23 June - - 1829 - | 13 August - 1829 - | Extended. |
| Private affairs - - | 24 October - 1830 - | 10 December 1830 - | Confirmed. |
| Ill health - - - | 17 December 1830 - | 11 February 1831 - | - ditto. |
| Ill health - - - | 1 May - - 1830 - | 1 June - - 1830 - | Extended 3 months. |
| Ill health - - - | 29 June - - 1830 - | 30 June - - 1830 - | { Renewed until the end of February 1831. |
| Ill health - - - | 25 October - 1830 - | 10 December 1830 - | Confirmed. |
| Private affairs - - | 25 October - 1830 - | 10 December 1830 - | - ditto. |
| Private affairs - - | 1 December 1830 - | 11 February 1831 - | - ditto. |
| Ill health - - - | 1 December 1830 - | 11 February 1831 - | - ditto. |
| Ill health - - - | 17 June - - 1828 - | 3 October - 1828 - | { - - Extended, pending the final judicial arrangements for the Colony. |
| Private affairs - - | 23 August - 1828 - | 18 December 1828 - | - ditto - ditto. |
| Ill health - - - | 30 January - 1828 - | 28 August - 1829 - | Confirmed & extend ^d 6 mo ^s . |
| Private affairs - - | 17 July - - 1828 - | 27 October - 1828 - | { - - Leave extended to give evidence in a suit which the Treasury have instructed their law officers to defend. |
| Ill health - - - | 20 October - 1829 - | 1 February 1830 - | Confirmed. |
| Public affairs - - | — | — | — |

HOWICK.

OFFICES IN THE COLONIES.

R E T U R N

Of all Persons holding Offices in the Colonies, who have been appointed thereto, subsequent to the passing of an Act of Parliament of the 54th year of his late Majesty King GEORGE the Third, c. 61; and who are not, at present, in the execution of the Duties of their respective Offices:—As far as regards the Department of the SECRETARY OF STATE for THE COLONIES.

*Ordered, by The House of Commons, to be Printed,
10 March 1831.*

COLONIAL INTERCOURSE.

COMPARATIVE STATEMENT OF DUTIES.

| ARTICLES. | As by Acts of 1822 & 1825. | As at PRESENT. | As by Bill presented be- fore Christmas. | As now Proposed. |
|---|--------------------------------------|---------------------------------------|--|---------------------|
| | £. s. d. | £. s. d. | £. s. d. | £. s. d. |
| WHEAT FLOUR - - - - the barrel | - 5 - | - 5 - | - 6 - | - 5 0 |
| imported into Canada - - - | - 5 - | - 5 - | - 5 - | free |
| imported into the West Indies } from the Warehouse in the Northern Colonies } | - 5 - | - 1 - | free | free |
| BREAD or BISCUIT - - - the cwt. | - 1 6 | - 1 6 | free | free |
| MEAL or FLOUR, not of Wheat - the barrel | - 2 6 | - 2 6 | free | free |
| WHEAT - - - - - the bushel | - 1 - | - 1 - | - 1 2 | free |
| PEAS, BEANS, RYE, CALAVANCES, OATS, BAR- } LEY or INDIAN CORN - - - the bushel } | - - 7 | - - 7 | free | free |
| RICE - - - - - the 100 lbs. weight | - 2 6 | - 2 6 | free | free |
| SHINGLES, not more than 12 inches in length, the 1000 | - 7 - | - 7 - | - 10 6 | - 7 - |
| imported into the Northern Colonies - | - 7 - | free | free | free |
| imported into the West Indies from the Northern Colonies - - - - | unless duty p ^d - 7 - | free | free | free |
| more than 12 inches - the 1000 | - 14 - | - 14 - | 1 1 - | - 14 - |
| imported into the Northern Colonies - | - 14 - | free | free | free |
| imported into the West Indies from the Northern Colonies - - - - | unless duty p ^d - 14 - | free | free | free |
| STAVES of Red Oak - - - the 1000 | - 15 - | - 15 - | - 18 9 | - |
| until 1 January 1834 - - - - | - - - | - - - | - - - | 1 6 3 |
| from 1 January 1834 to 1 January 1836 - | - - - | - - - | - - - | 1 2 3 |
| from and after 1 January 1836 - - - | - - - | - - - | - - - | - 15 - |
| imported into the Northern Colonies - | - 15 - | free | free | free |
| imported into the West Indies from the Northern Colonies - - - - | unless duty p ^d - 15 - | free | free | free |
| STAVES of White Oak - - - the 1000 | - 12 6 | - 12 6 | - 18 9 | - |
| until 1 January 1834 - - - - | - - - | - - - | - - - | 1 3 9 |
| from 1 January 1834 to 1 January 1836 - | - - - | - - - | - - - | - 19 9 |
| from and after 1 January 1836 - - - | - - - | - - - | - - - | - 12 6 |
| imported into the Northern Colonies - | - 12 6 | free | free | free |
| imported into the West Indies from the Northern Colonies - - - - | unless duty p ^d - 12 6 | free | free | free |
| PITCH PINE LUMBER - - - the 1000 feet | 1 1 - | 1 1 - | 1 11 6 | 1 1 - |
| imported into the Northern Colonies - | 1 1 - | 1 1 - | free | free |
| imported into the West Indies from the Northern Colonies - - - - | unless duty p ^d 1 1 - | { if from the warehouse - 5 3 } | free | free |
| WHITE and YELLOW PINE LUMBER, the 1000 feet | 1 1 - | 1 1 - | 1 11 6 | - |
| until 1 January 1834 - - - - | - - - | - - - | - - - | 1 8 - |
| from 1 January 1834 to 1 January 1836 - | - - - | - - - | - - - | 1 6 - |
| from and after 1 January 1836 - - - | - - - | - - - | - - - | 1 1 - |
| imported into the Northern Colonies - | 1 1 - | 1 1 - | free | free |
| imported into the West Indies from the Northern Colonies - - - - | unless duty p ^d 1 1 - | { if from the warehouse - 5 3 } | free | free |
| OTHER WOOD or LUMBER - the 1000 feet | 1 8 - | 1 8 - | 1 11 6 | 1 8 - |
| imported into the Northern Colonies - | 1 8 - | 1 8 - | free | free |
| from thence into the West Indies { | unless duty p ^d 1 8 - | { if from the warehouse - 7 - } | free | free |
| WOOD HOOPS - - - - - the 1000 | - 5 8 | - 5 3 | - 7 10 | - 5 3 |
| imported into the Northern Colonies - | - 5 3 | free | free | free |
| from thence into the West Indies { | unless duty p ^d - 5 3 | free | free | free |
| LIVE STOCK - - - for every 100l. of the value | 10 - - | free | free | free |
| BEEF and PORK - - - - the cwt. | prohibited | - 12 - | - 12 - | - 12 - |
| imported into the West Indies from the Northern Colonies - - - - | prohibited | - 12 - | - 12 - | free |
| imported into the Northern Colonies - | prohibited | - 12 - | - 12 - | free |

COLONIAL INTERCOURSE.

COMPARATIVE STATEMENT

OF

DUTIES.

28 February 1831.

PRESENT AND PROPOSED IMPORT DUTIES, IN THE AMERICAN COLONIES.

TABLE of DUTIES on certain ARTICLES of PROVISIONS, and of WOOD and LUMBER, not being of the Growth, Production or Manufacture of the UNITED KINGDOM, nor of any BRITISH POSSESSION, imported or brought by Sea, or by Inland Carriage or Navigation, into the several British Possessions in *America*.

| 1. SOUTHERN COLONIES. | | PRESENT DUTY. | | | PROPOSED DUTY. | | |
|--|---|---------------|----|----|----------------|----|----|
| Imported or brought into the British Possessions on the Continent of South America, or in the West Indies, the Bahama and Bermuda Islands included, viz. | | £. | s. | d. | £. | s. | d. |
| Provisions, viz. | | | | | | | |
| - - - | Wheat - - - the bushel | - | 1 | - | - | 1 | 2 |
| - - - | - - - imported from the Northern Colonies - - - | - | 1 | - | Duty free. | | |
| - - - | Wheat Flour - - - the barrel | - | 5 | - | - | 6 | - |
| - - - | - - - imported from the Northern Colonies, except Newfoundland - - - | - | 1 | - | Duty free. | | |
| - - - | Bread or Biscuit - - - the cwt. | - | 1 | 6 | Duty free. | | |
| - - - | Flour or Meal, not of Wheat, the barrel | - | 2 | 6 | Duty free. | | |
| - - - | Peas, Beans, Rye, Calavances, Oats, Barley, Indian Corn - the bushel | - | - | 7 | Duty free. | | |
| - - - | Rice - - - the 100 lbs. net weight | - | 2 | 6 | Duty free. | | |
| - - - | Live Stock - - - - - | 10 per cent. | | | Duty free. | | |
| Lumber, viz. | | | | | | | |
| - - - | Shingles, not being more than 12 inches in length - - - the 1,000 | - | 7 | - | - | 10 | 6 |
| - - - | - - - imported from the Northern Colonies - - - | Duty free. | | | Duty free. | | |
| - - - | - - - being more than 12 inches in length - the 1,000 | - | 14 | - | 1 | 1 | - |
| - - - | - - - imported from the Northern Colonies - - - | Duty free. | | | Duty free. | | |
| - - - | Staves and Headings, viz. | | | | | | |
| - - - | - - - Red Oak - - - the 1,000 | - | 15 | - | } | 18 | 9 |
| - - - | - - - White Oak - - - the 1,000 | - | 12 | 6 | | | |
| - - - | - - - imported from the Northern Colonies - - - | Duty free. | | | Duty free. | | |
| - - - | Wood Hoops - - - the 1,000 | - | 5 | 3 | - | 7 | 10 |
| - - - | - - - imported from the Northern Colonies - - - | Duty free. | | | Duty free. | | |
| - - - | White, Yellow and Pitch Pine Lumber, the 1,000 feet of one inch thick - - - | 1 | 1 | - | 1 | 11 | 6 |
| - - - | - - - imported from the Northern Colonies - - - | - | 5 | 3 | Duty free. | | |
| - - - | Other Wood and Lumber, the 1,000 feet of one inch thick - - - | 1 | 8 | 0 | 1 | 11 | 6 |
| - - - | - - - imported from the Northern Colonies - - - | - | 7 | - | Duty free. | | |

| 2.--NORTHERN COLONIES. | | PRESENT DUTY. | PROPOSED DUTY. |
|--|------------|---------------|----------------|
| Imported or brought into the British Possessions in North America: | | £. s. d. | £. s. d. |
| Provisions; viz. | | | |
| - - - Wheat - - - the bushel | - 1 - | Duty free. | |
| - - - Wheat Flour - - - the barrel | - 5 - | - 5 - | |
| - - - may be warehoused, without payment of Duty, for exportation to the Southern Colonies. | | | |
| - - - Bread or Biscuit - - - the cwt. | - 1 6 | Duty free. | |
| - - - Flour or Meal, not of Wheat, the barrel | - 2 6 | Duty free. | |
| - - - Pease, Beans, Rye, Calavances, Oats, } Barley, Indian Corn - the bushel } | - - 7 | Duty free. | |
| - - - Rice - - - the 100 lbs. net weight | - 2 6 | Duty free. | |
| - - - Live Stock - - - - - | Duty free | Duty free. | |
| <p><i>Note.</i>—By Act 6 Geo. 4, c. 114, Food and Victuals, among other things, fit and necessary for the British Fisheries in America, and imported in British ships into the place at or from whence the fishery is carried on, are duty free.</p> | | | |
| Lumber; viz. | | | |
| - - - Shingles - - - - - | Duty free. | Duty free. | |
| - - - Staves - - - - - | Duty free. | Duty free. | |
| - - - Woods, Hoops - - - - - | Duty free. | Duty free. | |
| - - - White, Yellow and Pitch Pine Lumber the 1000 feet of one inch thick | 1 1 - | Duty free. | |
| - - - Other Wood and Lumber - the 1000 ft. | 1 8 - | Duty free. | |
| May be warehoused, without payment of Duty, for exportation to the Southern Colonies. | | | |

**PRESENT *and* PROPOSED IMPORT DUTIES,
IN THE AMERICAN COLONIES.**

TABLE OF DUTIES

On certain Articles of Provisions, and of Wood
and LUMBER, not being of the Growth, Production
or Manufacture of the United Kingdom, nor of any
British Possession, imported, or brought by Sea or
by Inland Carriage or Navigation, into the several
British Possessions in *America*.

*Ordered, by The House of Commons, to be Printed,
10 November 1830.*

CANADA COMPANY.

RETURN to an Address to His MAJESTY, dated 23d December 1830;—for,

- No. 1.—AN ACCOUNT of all MONIES paid and payable by the CANADA COMPANY under the existing CONTRACTS for the SALE to them of Part of the CROWN RESERVES, and other LANDS in *Upper Canada*.
- No. 2.—AN ACCOUNT of the Disposal of all SUMS hitherto received on account of the said Contracts; also, of all Appropriations already made, if any, of Monies to be hereafter received under these Contracts or Agreements; specifying, in detail, the different Grants, for what Purposes made, and the Authority by which the same have been made.
- No. 3.—A SEPARATE ACCOUNT of the SUM which would have been payable by the CANADA COMPANY (in addition to the Amounts contained in Account No. 1.) for the CLERGY RESERVES, originally sold to and subsequently taken back from them, according to the Valuation made by the Commissioners.
- No. 4.—AN ACCOUNT of all other SALES made of the CLERGY RESERVES, to the latest Period to which the same can be made up; stating the Gross Amount of such Sales, the Net Money actually received, and how the same has been disposed of.
- No. 5.—AN ACCOUNT of all GRANTS of LAND to Trustees or other Officers appointed by Charter for the Maintenance and Establishment of any College or Seminary for Education in *Upper Canada*, with any Valuation or Estimate that may have been made of the same.

Colonial Department, }
Downing-street, }
24 February 1831. }

Ordered, by The House of Commons, to be Printed,
10 March 1831.

ACCOUNTS RELATING TO

No. 1.

AN ACCOUNT of all MONIES paid and payable by the CANADA COMPANY under the existing CONTRACTS for the SALE to them of Part of the CROWN RESERVES, and other LANDS in *Upper Canada*.

THE Canada Company were allowed sixteen years from the 1st of July 1826 to complete their contract with His Majesty's Government. The Company were to pay in the year ending the 1st of July

| | £. |
|------|--------|
| 1827 | 20,000 |
| 1828 | 15,000 |
| 1829 | 15,000 |
| 1830 | 15,000 |
| 1831 | 16,000 |
| 1832 | 17,000 |
| 1833 | 18,000 |
| 1834 | 19,000 |
| 1835 | 20,000 |

And in each of the seven succeeding years the like sum of £. 20,000.

These sums have been received by the Receiver General of the Province, by half-yearly instalments, up to the present time, according to the terms of the agreement.

No. 2.

AN ACCOUNT of the Disposal of all SUMS hitherto received on account of the Contracts with the CANADA COMPANY; also, of all Appropriations already made, if any, of Monies to be hereafter received under these Contracts or Agreements; specifying, in detail, the different Grants, for what Purposes made, and the Authority by which the same have been made.

EXPENSES of the Commission:

| | £. | s. | d. |
|---|-------|----|----|
| To Colonel Cockburn, the Commissioner on the part of His Majesty's Government, for expenses preparatory to his departure for Canada | 350 | - | - |
| To Colonel Cockburn, being half of the expense of the Commission to Canada | 4,473 | - | - |
| To Colonel Cockburn, for expenses of Commission after its return | 1,380 | - | - |
| To Mr. Solicitor-General Boulton | 100 | - | - |
| To Sir Giffin Wilson, for his arbitration | 262 | 10 | - |
| To Dr. Strachan, for his expenses during the reference | 300 | - | - |

Annual Salaries:

| | | | |
|---|--------|----|---|
| For the Salaries of the Civil Establishment of Upper Canada, formerly paid by Parliamentary Vote | 8,500 | - | - |
| For the Building of the College | 1,000 | - | - |
| For Salary to the Roman Catholic Bishop | 400 | - | - |
| For Annual Provision for the Roman Catholic Priests | 750 | - | - |
| For ditto for Presbyterian Ministers in connection with Church of Scotland | 750 | - | - |
| For Pension to Colonel Talbot, for his exertions in superintending the Settlement of the London and Western Districts | 400 | - | - |
| Annual Compensation in lieu of Fees to Officers of Land-Granting Department, payable for seven years | 2,566 | 3 | 8 |
| To Master of the Grammar School at Kingston | 200 | - | - |
| £. | 21,431 | 13 | 8 |

| | | | |
|--|-----------|----|---|
| Annual Appropriation | £. 14,566 | 3 | 8 |
| Annual Payments | 15,000 | - | - |
| Leaving a Surplus at the disposal of His Majesty's Government of | £. 433 | 16 | 4 |

No. 3.

AN ACCOUNT of the Sum which would have been payable by the CANADA COMPANY (in addition to the Amounts contained in Account No. 1.) for the CLERGY RESERVES, originally sold to and subsequently taken back from them, according to the Valuation made by the Commissioners.

THE Sum which would have been payable for the Clergy Reserves originally sold to the Canada Company, computed at 829,430 acres, would have amounted, at the rate of 3s. 6d. per acre, to £. 145,150. 5s. currency. This sum would have formed part of the payments to be made by the Company, as specified in the Account No. 1.; and these payments are now made for the Huron Tract, computed at 1,100,000 acres, and substituted for the Clergy Reserves.

No. 4.

AN ACCOUNT of all other SALES made of the CLERGY RESERVES in *Upper Canada*, to the latest Period to which the same can be made up; stating the Gross Amount of such Sales, the Net Money actually received, and how the same has been disposed of.

BY the last Returns, it appears that the Commissioner of Crown Lands has sold 13,179 acres of Clergy Reserves in *Upper Canada* for the gross sum of £.9,774. currency, payable by ten annual instalments, with interest. The sums so received for the sale of the Clergy Reserves are directed by the Act of 7 & 8 Geo. IV. c. 62. to be invested in the Funds of Great Britain.

No. 5.

DESPATCH from Sir *John Colborne*, K. C. B. to Sir *George Murray*, G. C. B. &c. &c. &c.

SIR,

Upper Canada, York, 29th September 1830.

I HAVE the honour to transmit to you the annexed Statement of Grants of Land made to Trustees appointed by Charter for the maintenance and establishment of King's College in this Province, as required by your Despatch of the 14th June to be forwarded to you, in compliance with an Address of the House of Commons to His Majesty.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed) *J. Colborne*.

EXTRACTS from the Minutes of a Meeting of the COUNCIL of the UNIVERSITY of KING'S COLLEGE, *Upper Canada*, held in the Council-Chamber, September 28th, 1830.

THE College Council having before them a Communication from His Excellency Sir *John Colborne*, K.C.B., enclosing a Despatch from Sir *George Murray*, one of His Majesty's Principal Secretaries of State, with the copy of an Address of the House of Commons to His Majesty, praying, "That He will be pleased to give directions that there be laid before the House an Account of all Grants of Land to Trustees or other Officers appointed by Charter for the maintenance and establishment of any College or Seminary for education in *Upper Canada*, with any Valuation or Estimate that may have been made of the same," have the honour to report, That the Charter for the establishment of King's College within the Province of *Upper Canada* in North America, with all the powers and privileges of a University, was granted by his late Majesty King George the Fourth, in March 1827, and was soon after transmitted to His Excellency Sir *Peregrine Maitland*, then Lieutenant Governor of the Colony, by Lord Bathurst, one of His Majesty's Principal Secretaries of State.

That in virtue of the provisions of the Charter, seven members were named by Sir *Peregrine Maitland*, who, together with the Chancellor and President, compose the College Council; a Registrar and Bursar were also appointed, and the institution regularly organized.

That a grant was given by his late Majesty towards erecting the necessary buildings, of 1,000*l.* sterling per annum, to continue sixteen years from the 1st of January 1828, of which two years have been paid.

That a grant of 225,944 acres of the Crown Reserves, the greater part of which are occupied and under lease, was given to the Corporation for the support of the University.

That the probable rental arising from the leased lands, at the time they were transferred to the College, may be estimated at less than 1,000*l.* per annum.

That the College Council have agreed to sell their possessions, at a fair valuation, to such of the tenants as prefer the fee-simple to leases, with the view of investing the money and confining the expenditure of the University to the growing interest.

Of this revenue, no correct estimate can at present be formed.

That the lands belonging to the University have been considered by some as worth nearly 100,000*l.*; but it will be long before they yield a revenue equal to the interest of that sum. At the same time the endowment may be justly deemed magnificent, and will with good management grow in value with the country, and as the institution requires to be extended.

King's College Council-Chamber,
York, 29th September 1830. }

(signed) *Jos. Wells*,
Bursar of K. College, and Acting Secretary
in the absence of the Registrar.

Colonial Department, Downing-street,
23d February 1831. }

R. W. Hay.

CANADA COMPANY.

ACCOUNTS of all Monies paid and payable by the Canada Company under the existing Contracts for the Sale to them of Part of the Crown Reserves and other Lands in Upper Canada; of the Disposal of all sums hitherto received on account of the said Contracts; of the Sum which would have been payable by the Company for the Clergy Reserves originally sold to and subsequently taken back from them; of all other Sales made of the Clergy Reserves, to the latest Period to which the same can be made up; and, of all Grants of Land for the Maintenance and Establishment of any College or Seminary for Education in Upper Canada.

*Ordered, by the House of Commons, to be Printed,
10 March 1831.*

CANADA, WATER COMMUNICATION.

AN ACCOUNT of the Progress which has been made in the Works for the Improvement of the Water Communication between Montreal and Kingston, by the RIDEAU and OTTAWA Rivers; of the Sums actually expended, stating how far these correspond with the ESTIMATE laid before the Finance Committee in 1828, and the probable Cost of so much of these Works as still remains to be executed, so far as the same can be afforded from the Documents in this Office.

| NAME OF WORK. | Sum actually expended to the 31st Dec. 1829. | Sum required to complete from 31st Dec. 1829. | TOTAL Amount of Estimate. | REMARKS. |
|-------------------------|--|--|-----------------------------------|--|
| RIDEAU CANAL - | £. 349,264 | £. 227,493 | £. 576,757 * | * This is the amount of Lieut.-Colonel By's Estimate for completing the Canal on the scale ordered by the Committee, of which Lieut.-General Sir James Kempt was president. The amount is £.48,913 more than is put down for the Canal on the same scale in the Report to the Finance Committee in 1828, page 408; this excess is explained by the original estimate not providing for the expense of two companies of Sappers and Miners, nor for the civil and military superintendence. In regard to the progress which has been made in the work, Lieutenant Colonel By has reported by letter, dated 31st December 1829, that three-fifths of it is completed, and that he has every reason to suppose that it will be finished in August 1831, with very little excess on the total of £.576,757. Although £.349,264 is stated to have been actually expended on the Canal to 31st December 1829, only £.296,666 has yet been voted; therefore a further vote of £.280,091 will be necessary, including the £.140,000 which is proposed to be granted in the present year. |
| GRENVILLE CANAL | Sum expended to 24th Dec. 1828. 113,920 | Sum required to complete from 24th Dec. 1828. 21,000 * | TOTAL Amount of Estimate. 134,920 | * This is the amount of the detailed Estimate which was transmitted by Lieut.-General Sir James Kempt to the Colonial Secretary of State, with a Report, dated 12th February 1829, to complete this Canal on the scale of locks ordered for the Rideau, and added to the expenditure previously incurred, makes a total of £.134,920 for the whole, which is £.74,920 more than is put down for this Canal in page 408 of the Report to the Finance Committee in 1828; but the sum therein stated does not, it is presumed, include the pay and allowances of the Staff Corps companies for six months in each year, since the commencement of the Work in 1819, which amounts to £.22,458, and is included in the expenditure of £.113,920, to 24th December 1828, nor the expense of constructing the larger locks on the scale of the Rideau, now ordered. The exact expense of this object does not appear in the detailed estimate, but it has been hitherto assumed at £.41,000. This Canal is expected to be completed in the present Spring. |
| CARILLON RAPIDS - - - | - - - | 58,000 | 58,000 | Not yet commenced. This sum is the amount of the detailed Estimate transmitted with Sir James Kempt's Report of 12th February, before quoted; it is £.33,000 more than is put down in the Report to the Finance Committee, but the sum there stated did not include the expense of the enlargement of the locks. |
| CHUTE A BLONDEAU - - - | - - - | 11,580 | 11,580 | This is the amount of the detailed Estimate transmitted with Sir James Kempt's Report, before quoted. The work is not yet commenced. The sum put down for the work, including St. Anne's Rapids, in the Report to the Finance Committee, is calculated at £.25,000, but no detailed estimate for the latter work has yet been received, therefore no correct comparison can be made; but if it is desirable to do so on the best information that can be afforded, it may be stated, that for the completion of St. Anne's Rapids, with locks on the scale of the Rideau, £.40,000 had been assumed. |
| ST. ANNE'S RAPIDS - - - | - - - | - - - | - - - | |

IT is proper to notice, that the detailed Estimates sent home by Sir James Kempt, for the completion of the Grenville, the Carillon Rapids, and the Chute a Blondeau, do not clearly shew whether the pay and allowances of the Staff Companies employed on the works be included. If this should prove not to be the case, it will, as the Master-General and Board have ordered these men to be charged to the works, be necessary to allow the sum of £.14,676 for this purpose, being the amount of pay, &c. for three years, from 24th December 1828, when the works, if sufficient funds are allowed, are expected to be completed.

Memorandum.—From the year 1826 to 1829, stores have been sent from England for those Canals; viz. for the Rideau to the value of £.13,818, and for the Grenville to the value of £.3,086; but it cannot be positively ascertained, without a reference to Canada, whether or not the value of those stores has been included in the Statement of Expenditure to 31st December 1829, transmitted by the engineer officer who superintends the construction of those Canals.

Office of Ordnance,
26 March 1830. }

By Order of the Board,
R. BYHAM, Secy.

CANADA, WATER COMMUNICATION.

AN ACCOUNT of the Progress which has been made in the Works for the improvement of the WATER COMMUNICATION between *Montreal* and *Kingston*, by the *Rideau* and *Ottawa* Rivers; of the Sums actually expended, and the probable Cost of so much of these Works as still remains to be executed.

*Ordered, by The House of Commons, to be Printed,
29 March 1830;
And to be Re-printed, 8 November 1830.*

CANADA CANAL COMMUNICATION.

RETURN to an Address to HIS MAJESTY, dated 4 February 1831;—*for*,

COPIES OF THE CORRESPONDENCE

BETWEEN

THE TREASURY, THE SECRETARY OF STATE FOR THE COLONIES,

AND THE ORDNANCE,

ON

THE CANAL COMMUNICATION IN CANADA.

Whitehall, Treasury Chambers, }
10 February 1831.

T. SPRING RICE.

Ordered, by The House of Commons, to be Printed,
10 February 1831.

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CANADA, CANAL COMMUNICATION.

CORRESPONDENCE relative to the CANAL COMMUNICATION
in Canada.

No. 1.—LETTER from *Henry Goulburn, Esq.* to *George Harrison, Esq.*
&c. &c. &c.

SIR,

Downing Street, 26th June 1817.

I AM directed by Earl Bathurst to transmit to you the copy of a letter from Lieutenant General Sir John Sherbrooke, dated the 1st of April last, stating the necessity of sending out a competent civil engineer, to superintend the execution of the proposed Canal between Montreal and La Chine, and I am to request you will lay the same before the Lords Commissioners of the Treasury, and acquaint their Lordships, that as there appears every reason to believe that the remaining sums necessary for the completion of this most important work will be either voted by the Colonial Assembly, or subscribed in the province by private individuals; Lord Bathurst thinks it advisable that it should be carried on in a manner to ensure the public advantages which cannot fail to result from its proper execution, and therefore earnestly recommends to their Lordships that they will be pleased to authorize the expense of sending out a competent civil engineer, to superintend the undertaking during such a period as may be necessary to ensure its successful progress.

Correspondence
relative to the
Canal Communi-
cation in Canada.

I am, &c. &c.

(signed) *Henry Goulburn.*

No. 2.—LETTER from Lieutenant General Sir *John Sherbrooke* to the
Right Hon. Earl *Bathurst*, &c. &c. &c.

MY LORD,

Quebec, 1st April 1817.

UPON the receipt of your Lordship's Despatch, No. 54, of the 7th of December, with its inclosure, I lost no time, in obtaining all the information in my power on the subject of Lieutenant Considine's Plan for the better navigation of the St. Lawrence between Montreal and La Chine, the result of which is, that in the opinion of the most competent judges, the water-wheels proposed by Mr. Considine could not, with any chance of success, be applied in that part of the river, particularly on account of the rise and fall of the water, and the variation of the course which must be taken by boats in consequence.

The immense bodies of ice occasionally floating down the river present also a most formidable obstacle to the plan.

I transmit to your Lordship a copy of a Report made hereupon by Captain Ronilly, an officer of experience in the Royal Engineers stationed at Montreal, to whom, by my desire, the commanding royal engineer forwarded Mr. Considine's proposal.

With respect to the proposed Canal between Montreal and La Chine, which I cannot but consider as highly important and desirable, I avail myself of this opportunity of mentioning, that provided a civil engineer is sent out from England to superintend its execution, without which indeed it would be impracticable to engage in it, I have little doubt, should you wish it, that the House of Assembly of Lower Canada would, in their next session, vote a further sum, in addition to the £.25,000. already appropriated by them in aid of this service.

No. 3.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Or should your Lordship wish to relinquish altogether the execution hereof at the expense of Government, I am inclined to believe (so much are the people here convinced of its utility) that the work might be accomplished by subscription for shares amongst individuals.

On this subject I shall be glad to be honoured with your Lordship's commands ; but I beg leave to impress upon your attention, that whichever mode shall be adopted, the assistance of the civil engineer will be equally and absolutely indispensable. Sir George Prevost and Sir Gordon Drummond, having already represented this point, of the necessity of which no doubt can be entertained, the House of Assembly consider a pledge to have been made to them by my predecessors, that such assistance would be afforded to the undertaking.

I have the honour, &c. &c.

(signed) *J. C. Sherbrooke.*

No. 3.—LETTER from Captain *Romilly* to Major *Henderson*, &c. &c. &c.

SIR, Royal Engineer's Office, Montreal, 21st March 1817.

I HEREWITH return the copies of Lord Bathurst's letter, and Mr. Considine's proposal for drawing boats up the rapids of the St. Lawrence River, between *La Chine* and Montreal, by machinery worked by water-wheels. The theory is certainly very good—any power may be obtained from such wheels, turned by so strong a current. But the difficulties to be overcome appear to me so great, that I doubt whether the project can be put into execution. The first is certainly the rise and fall of the water in wet and dry seasons, at least ten feet ; the course of the boats running at one time close to the banks, and in the summer fifty yards further into the river ; there are also a number of rocks and shoals which must be removed and cut away, to gain sufficient depth of water. I do not see how the posts to support the chain or rope can be secured, so as to resist the floating ice, which comes down the river with great force on the breaking up of the frost ; to preserve the wheels from this will be difficult and require strong and expensive piers. With regard to the number and particular points where the water-wheels should be situated, a correct survey must be made of the river, and the soundings carefully marked, it is impossible now to give an opinion on this head, from the river being frozen up.

I have no hesitation in allowing this project might be usefully applied in some places where the distance is short, but do not think it will allow of a moment's comparison in point of utility, with a canal.

I have the honour, &c. &c.

(signed) *Samuel Romilly,*
Captain Royal Engineers.

No. 4.—TREASURY MINUTE relative to the proposed Canal between
Montreal and La Chine.

Copy of Treasury Minute, dated 4th July 1817.

READ Letter from Mr. Goulburn, dated 26th ultimo, transmitting, by direction of Earl Bathurst, the copy of a letter from Lieutenant General Sir John Sherbrooke, stating the necessity of sending out a competent civil engineer to superintend the execution of the proposed Canal between Montreal and *La Chine* ; and stating, that as there appears every reason to believe that the remaining sums necessary for the completion of this most important work, will be either voted by the Colonial Assembly, or subscribed in the Province by private individuals, Lord Bathurst thinks it advisable that it should be carried on in a manner to ensure the public advantages which cannot fail to result from its proper execution, and therefore earnestly recommends to their Lordships, that they will be pleased to authorize the

the expense of sending out a competent civil engineer to superintend the undertaking, during such a period as may be necessary to ensure its successful progress.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Acquaint Mr. Goulburn, for the information of Earl Bathurst, that under the circumstances stated, My Lords are pleased to sanction the expense which will necessarily be incurred by a civil engineer being sent from this country to superintend the works in question.

No. 5.—LETTER from *Henry Goulburn, Esq.* to *George Harrison, Esq.*
&c. &c. &c.

SIR,

20th November 1817.

I AM directed by Lord Bathurst to transmit to you, for the information of the Lords Commissioners of the Treasury, a despatch which has been received from Lieutenant General Sir J. Sherbrooke relative to the expense of making a Canal from Upper La Chine to Montreal in Canada.

No. 6, 5 Sept. 1817.

In submitting the Report and Estimates inclosed in that despatch to the consideration of their Lordships, Lord Bathurst is anxious that you would call their particular attention to the extreme importance which has been attached, by the most competent judges, to the opening of such a communication. Their Lordships are fully aware, from the reports long since transmitted to them, that in the event of war with the United States the safety of the Canadas must depend mainly upon the measures which may have been previously taken to facilitate the communication and the means of conveyance between the different extremities of those provinces; and as the object of the proposed Canal is to obviate the difficulties which at present attend a navigation up that part of the Saint Lawrence near Montreal, Lord Bathurst cannot but consider it as a work of the most urgent necessity. It is on these considerations that his Lordship, although fully sensible of the difficulty of providing funds for such an undertaking, cannot nevertheless avoid recommending it to the consideration of their Lordships, and submitting to them, that in the event of their consenting to defray half the expense of the work, he entertains little doubt but that the Colony, which has already appropriated £.25,000 currency to the undertaking, would willingly defray the remaining expense. His Lordship too cannot but consider it important, by commencing such an undertaking, to afford means of support to those numerous emigrants who have lately proceeded from the United Kingdom to Canada, and who, in the event of not being employed, must either be thrown a burden upon the government, or be left in a state of absolute want and misery.

N^{os} 7 & 8.

I am, &c. &c.

(signed) *Henry Goulburn.*

No. 6.—LETTER from Lieutenant General *Sir J. Sherbrooke* to the
Right Hon. *Earl Bathurst*, &c. &c. &c.

MY LORD,

Quebec, 5th September 1817.

IN obedience to your Lordship's commands, expressed in your letter of 10th October 1815, addressed to Sir Gordon Drummond, I have the honour to transmit herewith a report and estimate of a Canal from Upper La Chine to Montreal, which have been prepared by Captain Romilly of the Royal Engineers, whom your Lordship is aware was directed to undertake the survey for this purpose.

N^{os} 7 & 8.

I have the honour, &c. &c.

(signed) *J. C. Sherbrooke.*

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 7.—REPORT on the proposed CANAL between *Montreal* and *La Chine*;
by Captain *S. Romilly*.

Montreal, 1817.

THE course of the St. Lawrence from La Chine to Montreal forms a considerable curve. The navigation is very difficult, owing to the rapidity of the water and the shallowness of particular parts.

The current is strong from some distance above La Chine. The first rapid commences near the windmill, on the high point of land between the upper and lower village, and extends to the government dépôt. It is so rough that the boats take a long time to haul up it. From hence to the mill the water is smooth, but with a strong current.

At the mill, Sault St. Louis commences, which is extremely rough: a lock has been constructed here, but it does not admit large boats. The rapid extends to about a mile below the mill. There are a number of large beds of rock, which render the navigation very difficult during the dry seasons. The boats generally pass up unloaded, and take in their cargo at Upper La Chine; after this to Montreal the water is smooth and swift, with the same inconveniences of rocks and shallows.

A strong current, called St. Mary's, extends to two miles below the town, at the foot of which vessels are detained, frequently for weeks, till they get a strong mough wind sufficient to enable them to stem the current.

To obviate these difficulties it would be highly desirable to cut a Canal from St. Mary's to Upper La Chine, which line would be the chord to the curve the river forms. The distance is from ten to eleven miles.

A ravine runs the whole distance between the Upper and Lower La Chine roads, separating the town and the St. Lawrence suburb.

A small stream, called the Little River, flows through the ravine and empties itself into the St. Lawrence at the St. Antoine suburb. Another rivulet takes its source from the woods near St. Mary's in a favourable direction to the St. Lawrence, but with a contrary course. It joins the Little River in the above suburb.

The bottom of the ravine, a low ground, is for the most part a swamp, and covered with underwood. Below Côte St. Pierre the Little River forms what is called the Little Lake, which is covered with clusters of trees close together: the Canal must run through part of this, as near the edge as possible, and must be formed with piles of cedar. When within a mile of the proposed head of the Canal the soil begins to be very rocky. The Canal will cross the turnpike road at the Tanning Village (after following the low ground) and pass in rear of the town to the brick house used as a navy store. The land rises all the way from Montreal, and the bank will have to be cut into fifty feet; but it appears the best place for the Canal to end at, as it is at the bottom of the worst part of the current, and the water is so deep that large vessels can lay close to the shore, which is not the case at the Rivulet Michon, three quarters of a mile lower down the river, where there is a bar which would prevent ships coming near the Canal if it ended there.

The most serious obstacle to be contended with here is the floating ice. When the river breaks up in the spring it sometimes rises to near the top of the bank, and would carry away any pier that could be run out into the river. The only method would be, to construct a low one first sufficiently high to bring in the boats in the driest season, so that when the water rises, the whole of the floating ice would pass above the walls of the Canal; the sides of the bank of the river must be piled, to prevent their being cut into by the ice.

The head of the Canal to be at Ellis's, in Upper La Chine; the greatest rise of the water is six feet, and in the summer, when the water is at the lowest, there are some rocks which must be blasted. The first lock at this point to be sufficiently high to allow for the difference between the depth of the water in summer and spring, as the soil is very rocky all along the side of the river; the Canal to be for one boat only till the rock is past, after which it will be desirable that it should be large enough for two. The second lock will be below Côte St. Pierre; the fall is 4. 8. a third between the Tanning Village and the St. Antoine suburb.

Two more will be required for the branch which passes through the Hay Market, by the Little River into the St. Lawrence.

The part of the Canal from the back of the town to St. Mary's, will be expensive, as the ground rises all the way, and the bank is very high. But it is absolutely necessary
on

on account of the great delay and difficulty the ships experience in overcoming the current.

The Canal should be constructed for the largest Durham boats, which are 60 feet long, and from 11 to 13 ft. 6 in. broad; they draw 2 ft. 6 in., and carry 10 ton. To allow these to pass with facility, the single part should be 16 feet at bottom, the sides to slope in the proportion of 3 to 5 feet base; the double to be 30 feet at the bottom, carrying 3 feet depth of water, which gives 40 feet at the surface. The part through the Little Lake, and the worst places of the swamp, to be formed with cedar pickets, eleven or twelve feet long, and driven down at a slope of $\frac{1}{4}$ fastened together at top by a square ribband.

That part which crosses the town by the Hay Market must be built of masonry, to take up as little of the interval between the houses as possible; and, as at the point of separation the ground is low, a bason can easily be excavated to contain any number of boats, which would be of great advantage to them in loading, and furnish water for the locks.

Along the line of the Canal there are several springs, which will amply compensate for evaporation, &c.

The greatest objection to the Canal is, that it will cease to be navigable some time before the river does, owing to the water being stagnant, which will freeze immediately, though the St. Lawrence will remain open some weeks later on account of the rapidity with which it flows.

(signed)

Sam^r Romilly,

Capt. Royal Engineers.

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 8.—ESTIMATE for a CANAL from *Upper La Chine* to *Montreal*; to be navigated by Durham boats, 60 ft. long, 13 ft. 6 in. wide, and drawing 2 ft. 6 in. water; part to be for one boat only, 16 feet at bottom, the sides sloped in the proportion of 5 feet base to 3 in height, and carrying 3 feet water.

MILITARY:

| | £. | s. | d. |
|---|-------|----|----|
| To excavating 5,000 running feet of single Canal, 8 ft. 6 in. within soil, principally rock, being 17,685 cubic yards, at 1s. - - - | 884 | 5 | - |
| To removing 7,500 cubic yards of earth from the above, at 4d. - - - | 125 | - | - |
| To digging 3,833 feet of single Canal, 6 feet within soil, chiefly stones and rock, 10,200 cubic yards, at 9d. - - - | 382 | 10 | - |
| To removing the earth from the same, 3,400 cubic yards, at 4d. - - - | 56 | 13 | 4 |
| To 2,500 feet of double Canal, through swamp and Little Lake, 3 feet deep, 9,722 cubic yards, at 6d. - - - | 243 | 1 | - |
| To 2,500 feet through marsh, 4 feet within soil, 19,185 cubic yards, at 6d. - - - | 479 | 12 | 6 |
| To 4,819 feet, 6 feet within soil, 42,835 cubic yards, at 4d. - - - | 713 | 16 | 4 |
| To 7,936 feet of double Canal, 3 feet within soil, 30,862 cubic yards, at 4d. - - - | 514 | 7 | 4 |
| To 9,100 feet of ditto, 7 ft. 6 in. deep, 108,000 cubic yards - - - | 1,800 | - | - |
| To 5,900 ditto, 3 ft. 6 in. in soil, 27,380 cubic yards, at 4d. - - - | 456 | 6 | 8 |
| To sloping, beating down, and sowing with hay seed the sides of the Canal, at 3d. per square rod - - - | 486 | 9 | - |

CIVIL:

| | | | |
|---|-------|----|---|
| To a pier at the head of the Canal - - - | 500 | - | - |
| To rivetting the sides of the Canal in the Little Lake with cedar pickets, 10 to 12 feet long, furnishing the materials at £.3. to 10 feet, both sides included - - - | 750 | - | - |
| To forming towing paths and roads on both sides of the Canal at £.4. to every 180 feet - - - | 1,173 | 6 | 8 |
| To clearing the underwood and trees at 25s. per acre, 90 acres - - - | 112 | 10 | - |
| To building three locks, materials included, at £.700. each - - - | 2,100 | - | - |
| To making sluices and gates for the same - - - | 750 | - | - |
| To four main bridges, at £.125. - - - | 500 | - | - |
| To cartage on the whole Canal - - - | 500 | - | - |
| The land to be purchased, including cut and cover, is 180.3 acres - - - | | | |

| | | | | |
|--------------------------------|----|--------|----|----|
| | £. | 12,527 | 17 | 10 |
| Add Contingencies 1-10th - - - | | 1,252 | - | - |
| | £. | 13,779 | 17 | 10 |

Correspondence
relative to the
Canal Communi-
cation in Canada.

ESTIMATE of the Branch through the *Hay Market* into the *St. Lawrence*,
by the *Little River*.

| MILITARY: | | | | £. | s. | d. |
|--|---|---|---|-------|--------|-------|
| To excavating 14,008 cubic yards of single Canal, at 4 d. | - | - | - | 233 | 9 | 4. |
| To filling in 2,900 cubic yards at 6 d. | - | - | - | 72 | 10 | - |
| CIVIL: | | | | | | |
| To constructing two dams at £.200 | - | - | - | 400 | - | - |
| To 3,836 toises of masonry, at 50s. | - | - | - | 9,590 | - | - |
| To a wharf at the Junction of the Canal and St. Lawrence, formed of cedar filled in with stone | - | - | - | 500 | - | - |
| To two locks, materials included | - | - | - | 1,400 | - | - |
| To locks, gates and sluices | - | - | - | 500 | - | - |
| To five bridges | - | - | - | 625 | - | - |
| | | | | £. | 13,320 | 19 4 |
| Add Contingencies 1-10th | | | | - | 1,332 | - - |
| | | | | | 14,652 | 19 4 |
| The Branch from La Chine | | | | - | 13,779 | 17 10 |
| | | | | £. | 28,432 | 17 2 |

Amounting to Twenty-eight Thousand Four Hundred and Thirty-two Pounds Seventeen Shillings and Twopence, Halifax Currency.

(signed) *Samuel Romilly*,
Captain Royal Engineers.

ESTIMATE of the Lower Branch of the proposed CANAL from *Montreal* to
St. Mary's: (the Navy Store.)

| MILITARY: | | | | £. | s. | d. |
|--|---|---|---|-------|--------|-------|
| To excavating 10,210 running feet of double Canal, 10 feet within soil, being 176,595 cubic yards, at 4 d. per yard | - | - | - | 2,943 | 5 | - |
| To digging the Branch leading into the St. Lawrence, 39,300 cubic yards, at 5 d. per yard | - | - | - | 818 | 15 | - |
| To sloping, beating down and sowing the sides of the Canal with hay-seed, at 3 d. per square rod, 1,323.6. rods | - | - | - | 198 | 10 | 9 ½ |
| CIVIL: | | | | | | |
| To a wharf at the junction of the Canal with the River, from the lowest water-mark to the bank, to be formed of cedar filled in with stone | - | - | - | 500 | - | - |
| To 3,525 toises of masonry, from the wharf to the bend of the Canal, at 50s. per toise | - | - | - | 8,812 | 10 | - |
| To building two locks with masonry, at £.700 each | - | - | - | 1,400 | - | - |
| To making and fixing two pair of gates and sluices | - | - | - | 500 | - | - |
| To forming towing-paths on both sides, at £.4 per 180 feet, 51 ½ acres | - | - | - | 205 | 6 | 8 |
| To a large bridge on the main road | - | - | - | 200 | - | - |
| To six small ones, at £.125 | - | - | - | 750 | - | - |
| The land to be purchased, 35 acres. | | | | | | |
| | | | | £. | 16,328 | 7 5 ½ |
| Add Contingencies | | | | - | 1,632 | - - |
| | | | | £. | 17,960 | 7 5 ½ |

- Amounting to Seventeen Thousand Nine Hundred and Sixty Pounds Seven Shillings and Fivepence Halfpenny, Halifax Currency.

(signed) *Samuel Romilly*,
Captain Royal Engineers.

No. 9.—TREASURY MINUTE relative to the Expense of making a Canal from *Upper La Chine* to *Montreal* in *Canada*.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Copy of Treasury Minute, dated 30th December 1817.

READ Letter from Mr. Goulburn, dated 20th ultimo, inclosing a despatch from Lieutenant General Sir John C. Sherbrooke, relative to the expense of making a Canal from Upper La Chine to Montreal in Canada. In transmitting these papers Mr. Goulburn strongly urges the opinion of Lord Bathurst as to the expediency and necessity of this undertaking in a political and civil point of view, and states the readiness of the Colony to defray a considerable portion of the expense, in addition to that which they have already advanced for its commencement.

Write to Mr. Goulburn, acquainting him for the information of Earl Bathurst, that if the legislative authorities in Canada will make provision for one-half of the expense attending the construction of this Canal, My Lords will not object to sanction the payment of the remainder out of the Army Extraordinaries.

No. 10.—LETTER from *Henry Goulburn, Esq.* to *George Harrison, Esq.*
&c. &c. &c.

SIR,

Downing-street, 23d March 1819.

I AM directed by Earl Bathurst to transmit to you the copy of a despatch from the Duke of Richmond, dated Quebec, 14th January, and to request that you will lay the same before the Lords Commissioners of the Treasury, for their Lordships' consideration and decision, as to the degree of encouragement which it may be expedient to afford to the plans developed in this despatch, and its inclosures; you will, at the same time, represent to their Lordships the importance which has long been attached, by every military man, to the formation of a communication between the provinces of Upper and Lower Canada, by the line of the Ottawa.

No. 11.

I am, &c. &c.
(signed) *Henry Goulburn.*

No. 11.—LETTER from the Duke of *Richmond* to the Right Hon. Earl *Bathurst*,
&c. &c. &c.

MY LORD,

Quebec, January 14th, 1819.

REFERRING to that part of my despatch No. 13, the 10th November last, respecting the navigation of the Ottawa or Grand River, I have now the honour to transmit a Report made to me by Capt. Mann, of the Staff Corps, whom I directed to survey the Carillon and Long Sault Rapids in October last. From the report of this officer, on whose judgment I have every reason to rely, it appears evident, that all the difficulties which at present obstruct the navigation of the Ottawa may be overcome, at a trouble and expense very trifling compared with the importance and utility of the object to be attained, an importance of which the people of this province are so convinced, that I have little doubt one half at least of the proposed expense will be cheerfully defrayed by themselves.

No. 13.

If your Lordship concurs with me in this view, I propose employing the Staff Corps on the Ottawa as soon as the weather will admit next spring, and joining to them the assistance of such labourers as the sum appropriated to the object and the country itself will admit of our procuring.

With Capt. Mann's Report I have the honour to transmit another from Lieut.-Colonel Cockburn, Deputy Quartermaster General, on the subject of the military settlement in the neighbourhood of the Rideau, and pointing out the communication which

No. 12.

Correspondence
relative to the
Canal Communi-
cation in Canada.

which may be established in that direction between La Chine and Kingston, your Lordship will observe, that owing probably to Capt. Mann's Report on the Ottawa not having reached head quarters at the time the Quartermaster General's was made, he is less sanguine as to the facility of improving the navigation of the Carillion and Long Sault Rapids than I think myself justified in being. Both land and water communications in that direction appear of the utmost importance, and both may, I am convinced, be obtained with great ease.

With regard to the general policy of continuing our exertions to form a loyal and war-like population on the banks of the Rideau and Ottawa, I entirely agree with Col. Cockburn, and I know of no measures more likely to conduce to this desirable object than those recommended in the two Reports I now transmit.

I have the honour, &c.

(signed) *Richmond.*

No. 12.—REPORT on the Military Settlement in the Neighbourhood of the Rideau, pointing out the Communication which may be established in that direction between *La Chine* and *Kingston*, by Lieut. General Cockburn.

FROM La Chine, which is nine miles from Montreal, and the general place of embarkation for Upper Canada, to the foot of the Chaudiere Rapids on the Grand or Ottawa River, is a distance of about 110 miles; and the rapids of St. Anne's, and the Long Sault excepted, perfectly easy of navigation.

St. Anne's Rapids. The rapid of St. Anne's is about 16 miles from La Chine, and, though swift and shallow, of so short a continuance, as not to offer any serious impediment in ascending the river.

Long Sault Rapids. The Long Sault Rapids commence about 35 miles from La Chine, and extend, in a more or less violent degree, for a connected distance of 12 miles: the batteaux are obliged to unload at the foot of these rapids, and, thus lightened, are poled up without risk, although it generally takes from one to two days to ascend the whole of the 12 miles.

The cargoes are carted over the portage at a moderate expense, the road being good. Should it ever be deemed expedient to improve this part of the river communication, the expense will, I fear, be very much increased, on account of the great rise and fall of water which takes place in the Ottawa at the different seasons of the year.

The River Rideau falls into the Ottawa about 110 miles from La Chine, and one mile below the falls of the Chaudiere.

Road from the
Landing to Rich-
mond.

The place fixed on for the landing of all articles going to the new settlement at Richmond, is in a small but remarkably fine bay, situated just below the Chaudiere falls; from this bay to the village of Richmond, is a distance of about 21 miles, and by the great exertion of Captain Burke (the Secretary) and the settlers, a very good road has been made from the one place to the other.

Village of Rich-
mond.

The spot fixed upon for the village of Richmond, is in the north-east angle of the township of Goulburn; and its establishment promises to render the greatest possible assistance in the important object of obtaining throughout the new military townships an industrious and loyal population. The settlers from Perth had, from their great and increasing numbers, been unavoidably placed so far from that village, as to render their occasional visits to it difficult in the extreme; and had the disbanded soldiers of the 99th been put down there, the want of roads, and the distance they must have travelled through the woods to have obtained their provisions, would have been tantamount to withholding the indulgence of rations from them altogether.

It was under these considerations, that the late Commander of the Forces so strongly recommended to his Grace the Duke of Richmond the formation of a new establishment in the township of Goulburn; and I am sincerely happy in being able to state, that the most sanguine expectations respecting its utility have been
amply

amply fulfilled. Four hundred heads of families have already been located in the vicinity of Richmond. Several houses are building in the village, and seven or eight half-pay officers have fixed upon it as their future place of residence.

Correspondence relative to the Canal Communication in Canada.

The road, or rather the tract, which is opening between Richmond and Perth, runs in the direction of the base line of the new military townships, and, generally speaking, about two miles from it. It is on this road, and, as nearly as circumstances will admit, in the centre of the township of Beckwith, that a provision store is to be built. The road will be sufficiently opened in the course of a month, to admit of sleighs passing over it during the winter; and I would earnestly recommend that an expenditure of three or four hundred pounds, exclusive of two or three months' rations of provisions and rum, might be allowed for the payment and subsistence of about 80 men, to be employed in making it passable for waggons during the summer.

Road from Richmond to Perth.

A reference to the accompanying Plan will show, that when this road is opened, and a provision store built in Beckwith, each of the new townships will be equally eligible for settlement; and thus a very large proportion of land will be anxiously sought after, which the settlers have hitherto been averse to being placed on.

The total of men, women and children, located under the direction of the Quartermaster General's Department in the Rideau Settlement, is from 4 to 5,000, and, great as that number may appear, I have no doubt it would, ere this, have doubled its present amount, had the village of Richmond been established at the same time with that of Perth, and the road of communication, now proposed, been immediately opened.

Population.

That the continuance of this system must produce a continuance of expense, I am fully aware; but when the advantages to be derived from its furtherance are taken into consideration, I cannot but hope the means of extending it will be sanctioned and approved.

Every person who has looked at these Provinces in a military point of view, has immediately perceived the importance of a communication being established in the direction of the Rivers Ottawa and Rideau; were the latter made navigable, it would materially enhance the value of this communication, but the expense of doing so would (from personal observation) I think, be too great to admit of its being commenced on at the present moment; and it is under this impression that I see more strongly the advantage of opening the road between Richmond and Perth, which, if ultimately continued on to Kingston, would not only add to the trade and welfare of that important town, but would establish a communication between Upper and Lower Canada, distinct from the St. Lawrence, and at the same time insure prosperity to the military settlements. Another great advantage to be derived from the military settlements is, that from the number of meritorious officers and soldiers living there, a militia force will always be produced so respectable, both as to numbers and discipline, as to afford protection to that part of the St. Lawrence, at the back of which the new townships have been laid out.

Communication from Lower Canada to Kingston, in direction of Ottawa and Rideau Rivers.

Advantage to be derived from Militia of Military Settlement.

The events of the last war did most clearly evince that the inhabitants of the more distant parts of Upper Canada (I allude to the neighbourhood of Lake Erie), were not only useless as to the general defence of the province, but were unequal even to the protection of their own property; for many of them suffered severe and heavy losses from the incursions and plunder of the enemy, for which they are, I understand, now seeking remuneration from Government. How much more advantageous therefore must it be, to put the emigrants who may arrive from England on lands at the military settlements, than to scatter them in small numbers, as heretofore, in the different parts of the province!

The very situation of the country in the vicinity of the Rideau, bounded as it is by the Ottawa and St. Lawrence, points it out, under every consideration, as the most eligible in the two Canadas for settlement; and if it meets the views of Government to authorize a certain expenditure in provisions, for the assistance of the poorer class of emigrants who may come out, I am persuaded the population at the settlements might be increased to any amount to which it may be deemed advisable to extend it.

Advantageous situation of Military Townships.

To receive the poorer class of emigrants, however, without giving them some assistance in provisions, experience has shown to be both cruel and impolitic; and I feel

The poorer class of Settlers must be assisted, or not received.

Correspondence
relative to the
Canal Communi-
cation in Canada.

I feel warranted in humbly recommending that this description of encouragement should be given.

Deputy Quartermaster General's Office,
Quebec, November 26th, 1818.

Fra^t Cockburn,
L' Col' and Dep^t Q' Master Gen'.

No. 13. REPORT on the Navigation of the *Ottawa or Grand River*, ascending from *Point Fortune* to the head of the *Long Sault*; with Observations on the means of improving it, or rendering it practicable for loaded Batteaux, Gun Boats, &c. Surveyed in October 1818, by Captain *J. W. Mann*.

Carillion Rapids.

THE first obstructions, in ascending this part of the Ottawa River, are the Carillion Rapids, which commence at Point Fortune, and extend about one mile and a quarter: the water during the autumn is, in most parts, extremely shallow, particularly near the banks of the river, and at the head and foot of the rapids on the north side, the level at this season being generally seven or eight feet lower than in spring. Batteaux, having great labour to ascend, take out part of their cargoes, which is conveyed by land to the head of the Long Sault. The channel is on the south side, but there are few parts of it sufficiently near the shore to admit of their being assisted from thence by a tow-rope, as will appear by the soundings laid down in the Plan; there being, however, fewer obstructions on this side, it is the best for any works connected with the river that would facilitate the navigations; but there cannot be much improvement made to it without incurring considerable expense, as the great variation of the levels, at different seasons, would render it necessary, if locks were constructed, to raise the walls extremely high. Should a tow-path be constructed, it must be useless, except for two or three months in the year; and the bed of the river being a flat rock, there would be great labour in any excavations that might be necessary. A bank of stones has been thrown up on the south shore, which forms a canal, into which batteaux are admitted by a lock; but as the bank does not retain the water, and the lock is not sufficiently deep, this work is, during the autumn, rather an obstruction than an assistance to the navigation. It would, therefore, I think, be advisable, if the lock was not altogether removed, to make an open passage through the bank, or to construct one higher up, at A, where there is sufficient water; from which place, to the head of the rapid, I propose bringing the channel near enough to the shore, that batteaux may be assisted from thence by a tow-rope; this may be done by removing the stones and excavating the rock; but where the latter cannot be effected, I would recommend catch waters being thrown out to turn the stream, and consequently give a greater depth of water near the shore. With these improvements loaded batteaux may ascend with ease, providing two or more are in company, the crews assisting each other at the most difficult places. The probable expense of these works would be, for the lock (if constructed, and of the same description as the one before mentioned) £. 400; for the excavation and catch-waters, judging by the soundings, the parts that require improvement, and the price of similar works on the river, £. 800, making together a total of £. 1,200.

£. 1,200.

Châte à Blonde.

After passing the Carillion Rapids, the next obstruction is the Châte à Blonde, distant about four miles; the current being strong, batteaux ascend with some difficulty; but there is a sufficient depth of water near the shore on the south side, except at the upper and lower parts of the rapid; but these places would admit of being deepened without much labour. The difference between spring and autumn is about eight feet, the distance from the head to the foot of the rapid half a mile, and the fall three feet eleven inches. On the north side, between the island and main land, the fall is much more sudden, from which circumstance, as well as the water being shallow, this channel is never used except during the spring. The only works which would completely remove the difficulties in passing this rapid, appear to be either a canal on the north side (taking advantage of the ravine nearly parallel with the river), or by throwing a dam across the north channel, as represented in the Plan (A.) (B.) in which a lock might be placed; but as there would in the first case be a great deal of rock to cut through from the end of the ravine to the foot of the rapid, besides the excavation necessary in the ravine, the expense of this work would probably not be compensated by the advantages resulting from it. The dam across the channel could not either be constructed without considerable expense, on account of the

the great rise of water in the spring; I therefore think the only work advisable would be, to remove the obstructions already mentioned in the south channel, and to form a towing-path for the spring, by levelling the top of the adjacent bank, the flat rock under the bank answering this purpose the rest of the year; with these improvements loaded batteaux may ascend, by the crews assisting each other, as recommended for the Carillon Rapids: the probable expense of these works would be about £. 200.

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£. 200.

From the head of this rapid to Bois Brulé, on the foot of the Long Sault, the current is very gentle; but batteaux have some difficulty in ascending at the openings of the navigation, on account of the ice which collects at this part of the river in great quantities.

From the Châte
à Blonde to Bois
Brulé.

From Bois Brulé there is a strong rapid to the head of Stoddard's Island, which is extremely difficult to ascend, particularly the upper part. The channel in the spring is on the north bank of the river; during the summer on the south, passing between the island and main land; and in the autumn on the same bank to the foot of the island, and from thence to the head of the rapid on the north side of the island. The navigation of this part of the river does not appear susceptible of any material improvement; the construction of a towing-path I would not propose, there being nearly the same variation in the height of the water, at different seasons, as at the rapids before-mentioned; the upper part might be avoided by taking advantage of the still water between Stoddard's Island and the south shore, ascending the falls, marked in the Plan (C.) and (D.); but as there would be the same objection to locks as before stated (owing to the rise of water in the spring, and a great deal of rock to excavate, as well as large stones to remove), the construction of these works does not appear advisable.

From Bois Brulé
to the head of
Stoddard's Island.

The part of the river between Stoddard's Island and the Trois Roches, an extent of two miles and a half, can be ascended by loaded batteaux, but not without some difficulty, as there are several short rapids to pass; some improvement, however, might be made without much expense, by clearing away the large stones which obstruct the passage. The channel is on the north bank during the spring, but on account of the numerous shoals, batteaux ascend the rest of the season on the south bank.

Between Stoddard's
Island and the
Trois Roches.

From the Trois Roches to the head of the Long Sault, a distance of three quarters of a mile, there is a continued rapid; the numerous rocks which cover the bed of the river, and the great strength of the current, particularly at the head of the rapid, render the greatest exertions necessary to get up a batteaux, even without her lading: these difficulties might, however, in a great degree be obviated, by taking advantage of the still water between the south shore and opposite island, entering at the dam (E.) (represented in the sketch) by means of locks, an opening having been left in it for this purpose by the proprietor Mr. Hamilton; but the whole of the rapid might be avoided by clearing a channel from (F.) at the Trois Roches, to the still water at (G.) ascending by locks; but as the water finds a passage over the whole of this ground during the spring, the construction of a dam would be necessary from (H.) to the high ground at (I.) in continuation of one begun by Mr. Hamilton; this circumstance, together with the parts that would require excavating, being chiefly rock, would occasion great labour. These works, with what has been said respecting the improvement above the Châte à Blonde, have been mentioned, as they appear the only means of facilitating the navigation, without incurring the expense, of a Canal; but as the works at the head of the Long Sault, in addition to the objections already stated, would be rendered useless in the event of any accident occurring to the dam (E.) and as it does not appear that the difficulties at Stoddard's Island can be removed, nor that any material improvements can be made at the other rapids, the construction of a Canal on the north side of the river, about five miles and a half in extent, by which the whole of the Long Sault would be avoided, appears the work most to be recommended. This side is preferred, the ground being less rocky than the opposite, and there being a stream running nearly in a parallel direction to the river for about two miles; and as there does not seem any great variation in the level of the ground, there would be no difficulty in procuring the necessary supply of water from the upper part of the river; the only lockage therefore required would be, for the difference of level between the parts of the river into which the Canal would open, which appears by the tables on the Plan to be 47 feet, including five

From the Trois
Roches to the head
of the Long Sault.

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cation in Canada.

£. 4,340.

feet for the parts between the rapids ; allowing also 15 feet for the greatest rise in the spring, the total lockage required would be 62 feet : the probable expense therefore of this part of the work, allowing £. 47 per foot rise, would amount to £. 4,340. As there would be some high ground to cut through near the head of the rapid, and probably some embankments to make near the Bois Brulé, as well as clearing the land, &c. the expense of this part of the work would be very considerable ; but no accurate estimate could be made, unless the exact course of the Canal was determined upon by sections of the ground and the nature of the soil ; but, judging from the general appearance of the country, and the expense of other works of this description, the amount would probably be about £. 11,000, which, with £. 4,340 for lockage, would make a sum of £. 15,340 for the canal ; and adding £. 1,200 for the proposed works at the Carillion Rapids, and £. 200 for those at the Chûte à Blonde, the whole expense of the improvements would amount to £. 16,740.

J. W. Mann,
Captain Royal Staff Corps.

No. 14.—TREASURY MINUTE relative to the Communication between
Upper and Lower Canada, by means of the Ottawa or Grand River.

Copy of Treasury Minute of 25 May 1819.

READ Letter from Mr. Goulburn, of the 23d March last, transmitting copy of a despatch from the Duke of Richmond, with Plans, and a Report from Captain Mann, of the Staff Corps, for the improvement of the communication between Upper and Lower Canada, by means of the Ottawa or Grand River.

Write to Mr. Goulburn, acquainting him, for the information of Earl Bathurst, that My Lords will not object to sanctioning the execution of the several works proposed for the formation of a communication between the provinces of Upper and Lower Canada, by the line of the Ottawa, as detailed in Captain Mann's Report, provided the Colonial Legislatures will take measures for the payment of a moiety of the expense, in which case My Lords will authorize the payment of the Crown's moiety out of Army Extraordinaries.

No. 15.—LETTER from *Henry Goulburn, Esq.* to *George Harrison, Esq.*
&c. &c. &c.

SIR,

Downing Street, 26th July 1819.

No. 16. I AM directed by Lord Bathurst to transmit to you the copy of a despatch from his Grace the Duke of Richmond, dated 20th May last, reporting the arrangements which are in progress for improving the Water Communication between Upper and Lower Canada, and I am to request that you will lay the same before the Lords Commissioners of the Treasury, for their information and opinion.

I am, Sir,
Your most obedient servant,
Henry Goulburn.

No. 16.—LETTER from the Duke of *Richmond* to the Right Hon. Earl *Bathurst*,
&c. &c. &c.

MY LORD,

Quebec, May 20th, 1819.

WITH reference to your despatch, No. 156, April 3d, 1818, to Sir John Sherbrooke, conveying the authority of the Lords Commissioners of His Majesty's Treasury for the payment, from the Army Extraordinaries, of one-half of the expense of constructing a Canal from Montreal to La Chine, I have now the honour to inform your Lordship, that being deeply impressed with the importance of carrying into execution the works necessary for the improvement of the Water communication

communication between the Upper and Lower Provinces, I have not failed to use every exertion to prevail on the Legislature to complete such arrangements for this purpose as more immediately depended on themselves.

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cation in Canada.

A Bill, containing the provisions necessary for the La Chine Canal, did accordingly pass both Houses during the last Session, and the sum of £.10,000, to be vested in 200 shares of £.500 each, was voted by the House of Assembly. The appropriation of a further sum of £.25,000, and of £.10,000 per annum for the next six years, for the improvement of the navigation of the Ottawa River, passed through two readings without opposition; and, had not circumstances rendered a prorogation necessary, I have no doubt it would have been carried.

The estimate transmitted by Sir John Sherbrooke, to which your Lordship's letter of April 1818 is an answer, having amounted to £. 50,000, I have considered myself authorized to appropriate £. 25,000 from the Army Extraordinaries to these works; and I have accordingly taken 300 shares of £.50 each (£. 15,000) in the La Chine Canal; and having every reason to believe that the vote of the House of Assembly for the Ottawa will be confirmed next year, I shall, unless I receive directions to the contrary, employ the remaining £. 10,000 in carrying on the projected improvements on that river; I have accordingly directed Captain Mann, whose survey I transmitted to your Lordship in January last, to proceed with that work, as far as the limited means of his own detachment will allow; and I hope to be able to assist him from time to time, by sending up a certain number of such labourers as we may be able to select from the emigrants, who will probably arrive during the summer, and to whom a few months' immediate employment is an object of great importance, and who may by these means be prevented from passing into the United States.

I have the honour to be, &c.

(signed) *Richmond.*

P. S.—I have been the less unwilling to vest these sums in the manner proposed, by taking shares in the La Chine Canal in preference to sinking the money, from the circumstance of the tolls of the locks at the cascades having produced last year nearly £.1,300 after deducting every expense of overseers, &c. &c. &c.

No. 17.—Copy of TREASURY MINUTE, dated 13th August 1819.

MY LORDS resume the consideration of Mr. Goulburn's letter of 20th November 1817, and its enclosures, upon this subject; and read their Minute of the 30th December 1817 thereon, sanctioning the payment of one-half of the expense of this Canal out of the Army Extraordinaries, provided the legislative authorities would make provision for the remaining half thereof.

Write to Mr. Goulburn, acquainting him, for the information of Earl Bathurst, that, as it appears from the Duke of Richmond's despatch, that the sum of £.10,000 has already been voted by the legislature of Canada, and that there is every reason to believe that the sum of £. 25,000 and £. 10,000 per annum for the next six years will be voted for this service in the next year.

No. 18.—LETTER from *R. Wilmot Horton, Esq.* to *George Harrison, Esq.*
&c. &c. &c.

SIR,

Downing-street, 10th December 1823.

WITH reference to the communications which have been addressed to you from this department, particularly by Mr. Goulburn's letters of the 20th November 1817 and 23d March 1819, on the subject of improving the Water Communication between Upper and Lower Canada, I am directed by Lord Bathurst to acquaint you with the progress which has been made in carrying this important work into execution, and the necessity of forwarding further instructions to Lord Dalhousie for his guidance.

No. 5 & 10.

In the year 1821 an Act passed the legislature of Lower Canada, appropriating £.35,000 to the La Chine Canal, and granting free passage to all boats in His Majesty's

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cation in Canada.

Majesty's service, on condition of an aid of £.10,000 to the above sum, which has accordingly been paid by Lord Dalhousie; and the sum of £.25,000 has been applied to the works of the Grenville Canal on the Ottawa.

Their Lordships are aware that the improvement of the Water Communication is to be effected by two canals; the one at La Chine, near Montreal, and the other in the township of Grenville, on the Ottawa. They must be considered as two distinct works, the former belonging to the civil government of the province, and to be defrayed from provincial funds, the other military, and wholly executed by that branch of His Majesty's service.

The estimates have, from unforeseen difficulties, fallen far short of the expense that will be necessary to complete either work; but as it is generally supposed that the Legislature will grant further aid to the La Chine Canal, Lord Dalhousie recommends that His Majesty's Government should decline further co-operation in it, making however the Grenville Canal a work of annual progress, as part of the military expenditure.

The sum of £.25,000, which has already been expended on the Grenville Canal, covers every item of expense, including rations, &c. The most scrupulous attention has been paid to economy, and the work has been very ably conducted by Captain Du Vernet of the staff corps. It appears, however, that it will require a further sum of £.24,000 to complete it; but Lord Dalhousie states that sum as sufficient, at the rate of £.8,000 per annum for three years.

I am therefore directed by Lord Bathurst to request that you will bring the subject under the early consideration of the Lords Commissioners of the Treasury, and he feels himself justified in earnestly pressing the completion of this work; that the Canal, at no distant period, will largely repay by toll the full interest of its cost; and it is also to be recollected, that in its progress it furnishes employment to many hundred starving emigrants, enabling them to settle lands in the neighbourhood, and that it will eventually greatly advance the settlement of all the country between it and Kingston, which is at present an immense wilderness and forest. It is hardly necessary further to remind their Lordships, that to discontinue the work at this late period, would be to incur a loss of all the money already expended, with the addition of a claim for compensation on the part of those proprietors of land through whose property it has been carried.

I am, Sir,

Your most obedient humble Servant,

R. Wilmot Horton.

No. 19.—TREASURY MINUTE, authorizing the completion of the Works on the *Grenville Canal*.

Copy of Treasury Minute, dated 9th April 1824.

MY LORDS resume the consideration of Mr. Goulburn's letters of the 20th November 1817, and 23d March and 26th July 1819, upon this subject, and read their Minutes of the 30th December 1817, and 25th May and 13th August 1819, thereon.

Write to Mr. Wilmot Horton, acquainting him, for the information of Earl Bathurst, that My Lords entirely concur in the view taken by his Lordship of the importance of this work, and of its completion within the period stated by the Earl of Dalhousie; and request he will move Earl Bathurst to make such communication to the Earl of Dalhousie as he may deem expedient. Transmit to him also a copy of Lord Dalhousie's letter of the 17th December last, and acquaint him, for the information of Earl Bathurst, that, under the circumstances stated, My Lords have directed their sanction of this expenditure to be conveyed to his Lordship.

Write to the Earl of Dalhousie, acquainting him, in reply to his said letter of 17th December last, that, under the circumstances stated, My Lords are pleased to sanction the expenditure in question.

No. 20.—LETTER from *R. Wilmot Horton, Esq.* to *George Harrison, Esq.*
&c. &c. &c.

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relative to the
Canal Communi-
cation in Canada.

SIR,

Downing-street, 14th May 1824.

I AM directed by Lord Bathurst to transmit to you the copy of a letter from Lieut.-General the Earl of Dalhousie, dated the 3d February last, stating the progress which has been made in improving the Water Communication in Canada, by means of the La Chine and Grenville Canals; and I am to desire that you will lay the same before the Lords Commissioners of the Treasury for their Lordships' information.

No. 21.

I am, Sir,

Your most obedient Servant,

(signed) *R. W. Horton.*

No. 21.—LETTER from *Earl Dalhousie* to *R. Wilmot Horton, Esq.*
&c. &c. &c.

SIR,

Quebec, 3d February 1824.

BY the last mail I had the honour to receive your letter of the 10th November last, covering a memorandum on the Water Communication between Upper and Lower Canada, by the La Chine and Grenville Canals, and requesting such further information on the subject as I may consider necessary.

The memorandum which, agreeably to your request, is herewith returned, is so perfectly clear and correct (except in stating one of the Canals to be in Upper Canada, both being in the Lower Province), that I can add little to it beyond a copy of the Report made by the officer who has been employed on the work during the last summer, which I hope will prove satisfactory to Lord Bathurst.

No. 23.

No. 22.

Capt. Du Vernet,
Royal Staff Corps.

Upon the whole line of the Grenville Canal, which I went to inspect myself in September last, I found the work admirably executed. The extent is about six miles, generally through a bed of rock lying horizontal, so that the bottom of the Canal is flat and secure, while the sides afford extraordinary facility for disembarking on regular ascending steps.

On the bank is an excellent broad road, or towing-path, which will naturally become the great leading road through that part of the country. One mile remains to be excavated in the present year, and the locks will be commenced. In 1825 I hope and expect to have it laid open for the public use.

Upon the La Chine Canal the works have been carried on with great spirit. In this last summer about *nine* miles of the *twelve* were opened and flooded, with locks completed, of the finest masonry I ever saw; and the remainder will be proceeded upon in 1824.

The Provincial Legislature in 1823 voted 12,000*l.* in addition to the 46,000*l.*; and it is expected that a further vote of 20,000*l.* will be made in this session. But be that or not, there is not a doubt but it will be completed; and I have every reason still to urge that His Majesty's Government will proceed upon the Grenville Canal as a work of the greatest importance, and as one that will ultimately repay the expenditure.

The effects of it are already felt by considerable trade going up the higher districts on the Ottawa, and a steam-boat actually running from the head of the Canal to Hull every second day through the summer.

I have the honour, &c.

(signed) *Dalhousie,*

Commander of the Forces.

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relative to the
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No. 22.—REPORT of the Progress made with the *Grenville Canal*,
for the year 1823.

OWING to the spring having been unusually cold and wet, and that it was late before any number of workmen came to hire themselves on the public works, nearly the whole of the first month, after the detachment went up to Grenville, was occupied in repairs of the tools and materials, and making preparations for commencing with vigour, as soon as a sufficient number of workmen could be collected. The water having been very high this season (within nine inches of what it was last spring), and a long time before the flood subsided, nothing could be done in the low ground at the head of the Canal, until the latter end of July; but the water was at the end of September nearly as low as it was in the autumn of 1819, when it was supposed to be at the lowest it ever is.

The first part begun upon this season, was opposite, at the head of the rapid, to the left of the road leading to the point, the whole of which distance is rock, and required to be cut from seventeen to twenty-two, and in one place about thirty feet in depth. The slopes on each side were taken off this summer, for the whole distance, partly carried to extreme depth, and widened eight feet on the upper part, in order to leave sufficient width for boats to pass near the lock: as soon as it was possible, after the water left the swamps, the parties employed on this spot were taken off, as it was of consequence to get the upper part finished whilst the water was low, upon which every exertion was made; but it could not be completed more than two-thirds of the distance, the part next the road being entirely of solid rock; but, having worked at it to the very last, and taken out a great deal of the soil at the entrance, below the level of the low water, I had just time to finish a dam of framed timber, when the rising of the water and a high wind destroyed the sheet piling at the head of the Canal, and prevented the completion of this entrance; but so much was done, that the remainder can be early got out whilst the water is warm the next autumn, with dredges: this dam will save the necessity of pumping the water off the finished part, which is of considerable length, and is intended to remain until the lock is built; the short distance between which can, at any time when the water is low, be laid down with little difficulty. At the lower extremity of the Canal, the work was resumed on the land of Allan and Duncan Cameron, and carried on nearly to the fence of Owen Owens, where the second level will run out. A third lock of a six feet lift will be placed the distance of about two hundred yards, almost all of which is brought to the proper depth, except the building stone is found; and for a short distance on Green's lot, from Owen's Farm to the end of the Canal, the ground has a very bad appearance, being covered with large granite rocks the whole distance, the removing of which will be very difficult and expensive. The whole of this distance (a mile and a quarter), and as far as Green's lot, was in forest, and has been cleared of the timber this year, and fenced off on both sides. The lands under cultivation have also, for the greater part, been fenced off, and the whole, from one end to the other, will be so in the spring, after which it will be necessary to have some penalties enacted for pulling down the fences, and turning cattle on the Canal premises, without which it will be impossible that the banks can be kept in order. About 4,500 square feet of stone, of good quality and size, has been already got out and worked; and I am of opinion sufficient may be obtained at this spot for the head lock, and hollow coins, &c. for the second, for which there is enough square stone lying near it, but not of so good a quality or large as that which has been discovered lower down in the Canal.

Opposite the gulley, on the first lot of Grenville, a wall has been built, to break the force of the water which comes down it in the spring, and being admitted into the Canal, a sluice is built on the opposite side, to allow the surplus of water to escape when the height of the water will admit of it; and another will be required near Green's Rivulet, to be used when this cannot, which it is supposed will very rarely be the case. Besides the quantity of lime which was burnt in 1822, of which I took no account, 1,272 bushels have been made this year, of which 599 have been used; and it appears that 3,952 bushels of charcoal have also been made by men I left at Grenville for the purpose, to be ready on our return next spring. Besides the numerous repairs, 150 new wheel-barrows, fifty hand-barrows, two screw-pumps, one waggon, and two stone carts, a stone guard-house, a bridge, and a variety of other work has been done by the artificers of the detachment.

(signed) *Henry Du Vernet*,
Capt. Royal Staff Corps.

N^o. 23.—EXTRACT of a Report to His Grace the Duke of *Wellington* relative to the BRITISH NORTH AMERICAN PROVINCES ; by a Commission, of which Major-Gen. Sir *James Carmichael Smyth* was President. Dated 9th Sept. 1825.

Correspondence
relative to the
Canal Communi-
cation in Canada.

THE RIDEAU CANAL.

THE mouth of the Rideau falls over a precipice thirty feet high into the Ottawa, forming a very beautiful and regular cascade, not unlike a curtain, from whence it has derived its name. This fall may, however, be easily turned, and the mouth of the proposed Canal be made to enter by a small bay a few hundred yards lower down the Ottawa than the mouth of the Rideau.

There appears to be no difficulty whatever with respect to a Canal from the Ottawa to Kingston, by the Rideau River, the Rideau Lake, the Mud Lake, Cranberry Marsh, and Kingston Mill Stream. The whole extent of the communication would be 132 miles. The line has been carefully surveyed, and estimates of the expense have been formed by order of the Provincial Government. The other line mentioned in your Grace's instructions by Kyles Bridge and the Irish Creek, although somewhat shorter, could not be undertaken for want of water.

Three different estimates have been formed for the proposed Canal, varying according to the dimensions that may be adopted. That which amounts to £.145,000, corresponds, as to the size of the Canal, with those of Grenville and La Chine, and of course would be the one to be selected. The locks are, however, only estimated at fifteen feet broad by eighty feet in length. The length does not so much signify ; but it is indispensable that they should have the same breadth, (namely, twenty feet) as the Grenville and La Chine locks. It would be better, indeed, that they should agree exactly : this, of course, would cause an additional expense. We have estimated that £. 24,000 would cover this alteration ; making a total for the Water Communication between Kingston and the Ottawa, of £.169,000.

In compliance with your Grace's commands, we have endeavoured to ascertain what assistance, if any, could be procured from the Provincial Government towards carrying on this important work, whether viewed in a military or a political point of view, into effect. We regret, however, to say, that there does not appear to be the slightest chance of any pecuniary aid from the Province. The settlers are very poor, and the Province of Upper Canada is yet in its infancy. The Province of Lower Canada is much wealthier, and was able to undertake the La Chine Canal, the profits of which were evident, and will amply repay in time both capital and interest. The profits upon the Rideau Canal are more remote, and the Province is not able to advance such a sum of money.

It has occurred to us, that the only possible mode of having the Canal executed will be, for the British Government to undertake it, and to complete the whole of the Water Communication from the St. Ann's Rapids, near Montreal, to Kingston, by the Ottawa and the Rideau, upon the same scale as already has been commenced upon at Grenville. In addition to the £. 60,000 already allotted for that part at Grenville, there would be required the £.169,000 wanted for the Rideau, and the £.50,000 which at any rate must be advanced to get the better of the Carillon, Châte à Blondeau, and the St. Ann's Rapids, before any benefit can be derived from the money now expending at Grenville. The whole of this Water Communication would thus cost £.279,000 ; but as it would be entirely in the hands of Government, the tolls would of course be collected on account of the Treasury ; and in proportion to the rising prosperity and increasing commerce of the Province, the money advanced might be expected to be repaid. Excepting it is undertaken by His Majesty's Government, we are afraid it will never be executed. Companies are forming ; and cheap and temporary expedients are likely to be resorted to for improving the navigation of the St. Lawrence, in order to enable the produce from Lake Ontario to be forwarded to Montreal and Quebec with less trouble and risk than at present. The important advantages of such a communication in the rear of the frontier, are not likely to be appreciated by the bulk of the inhabitants of the Province ; nor is it probable, that for the attainment of a remote good, they will agree to any tax or immediate pecuniary loss.

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cation in Canada.

No. 24.—EXTRACT of a REPORT of the Joint Committee appointed to report on the proposed WATER COMMUNICATION in *Canada*.

THE Joint Committee appointed to confer upon the improvement of the internal navigation of this Province have had before them the several Reports of the Commissioners appointed under the Provincial Statute 2 Geo IV. c. 2, which they have read with great interest; and especially the third or last Report, accompanied with an able and very judicious letter, addressed by Mr. M'Auley, the President, to Mr. Gordon, one of the Members of the Board, and submitted by the latter to the Committee.

All these papers are subjoined to this Report in an appendix, and the Committee have much satisfaction in calling attention to them, as to documents which are in their opinion highly creditable to the zeal and intelligence of the Commissioners.

With respect to the Estimates in detail, however important it is to ascertain their accuracy, it can scarcely be expected that the Committee can of their own knowledge either verify or discredit them, or in fact that they can do any thing more than express their judgment as to the degree of confidence they appear entitled to from the means which were employed in procuring them.

On this point the Committee are happy to believe there is no ground to discourage a reliance on their general accuracy. On the contrary Mr. Clowes, after the experience the Commissioners have had of him, appears to possess fully their good opinion of his professional knowledge and of his respectable character; and the Committee find no reason to apprehend that the result of his surveys would not be found generally correct, except that as in all similar undertakings of great extent there is a chance that obstacles might present themselves in the progress of the work, which it is not always possible to discover or foresee.

The probability of some obstacles occurring which would enhance the cost, is perhaps too great to admit of its being safely kept out of view in any case; but as this is purely a contingency, and no calculation can possibly be made to meet it, the estimates must necessarily be assumed to be in the main correct, in the absence of any known reason for suspecting their accuracy.

To these Reports the Committee therefore refer, as containing the best, and in truth the only satisfactory information it is in their power to present, as to the means of improving the internal navigation of this province; and indeed in the observations contained in the Reports, so comprehensive a view is taken of the subject, and the public interests involved in it are discussed with so much candour and judgment, that the Committee would unwillingly bespeak attention to any attempt of theirs to reason minutely upon the same points with less advantage of leisure and far less opportunities of knowledge.

After examining these Estimates and Reports, the considerations remaining to be weighed are, the probable influence of the projected improvements upon our security and welfare, the scale on which they should be attempted, the expense at which they can be accomplished, and the means of meeting that expense, the time at which they may and ought to be undertaken, and in what order.

Upon all these points the Commissioners have offered very valuable remarks, and the Committee may, without any censurable failure in their duty, forbear much additional observation of their own, upon points upon which great diversity of opinion will undoubtedly prevail, however much they may be discussed, because they involve considerations so various in their nature, and so combined a view must be taken of the several questions, that it would be vain to pretend to demonstrate satisfactorily the precise conclusion to which the suggestions of the Commissioners ought, under all circumstances, to lead.

That a Canal from Kingston to the Ottawa River, would in the event of a war, not merely diminish beyond measure the charge of our defence, but render its success greatly more certain, admits of no doubt. Happily present appearances indicate no interruption of the good understanding between Great Britain and America; on the contrary they afford a well grounded hope of its permanence, but without bringing probabilities into discussion, it may be affirmed that it would be most imprudent to reckon securely on a very long continuance of peace:

In

In the event of a war protracted as the last, the safety and the saving of transport conducted by such a channel, would, it is believed, fully compensate to the nation the charge of the improvement; and it is most evident, that to give full effect to the sound and liberal policy which has created the military settlements on the Rideau, and introduced, since the war, a loyal population of more than 10,000 souls where there was before no inhabitant, and which is now surmounting, at a considerable expense, the interruption of the navigation of the Ottawa, it is necessary, to perfect the Water Communication, removed from the enemy's frontier, and leading, in truth, from the ocean to Kingston, which is the key to Lake Ontario and the principal military station in the province.

Correspondence
relative to the
Canal Communi-
cation in Canada.

With respect to the Canal from Kingston to the Ottawa, it remains an important and somewhat difficult question. The comparative expense is on a scale of 7 feet in depth, 40 feet in width at the bottom, and 61 feet in width at the surface of the water, the banks to slope $1\frac{1}{2}$ foot to 1 foot perpendicular; the locks to be of stone, and 100 feet in length by 22 feet in width, with turning bridges, with 22 feet in the clear, and 10 feet wide: cost, £. 230,785. 14. $1\frac{1}{2}$.

On a scale of 5 feet in depth, 28 feet in width at the bottom, and 48 feet in width at the surface of the water; the banks to slope 2 feet to 1 foot perpendicular; the locks to be of stone, and 80 feet in length by 15 in width, with turning bridges, 15 feet in the clear, and 10 feet wide: cost, £. 145,802. 7. $8\frac{1}{2}$.

On a scale of 4 feet in depth, 20 feet in width at the bottom and 32 feet in width at the surface of the water, the banks to slope $1\frac{1}{2}$ feet to 1 foot perpendicular; the locks to be of wood, and 75 feet in length by 10 feet in breadth, with turning bridges, 10 feet in the clear, and 10 feet wide: cost, £. 62,258. 8. 10.

A Canal larger than is necessary to transport with convenience all descriptions of naval and military stores, would, by its greater dimensions, afford, in the opinion of the Committee, no additional security to the Province.

Judging thus, they are inclined to prefer the Plan second in order, being of a Canal five feet in depth.

(signed)

J. Strachan,
Chairman of the Committee from the
Legislative Council.

Angus Mackintosh.

(signed)

J. B. Robinson,
Chairman of the Committee of the
House of Assembly.

W^m Morris.

Ja^s Gordon.

6 April 1825.

No. 24. (a.)—REPORT and ESTIMATE of the COMMISSIONERS appointed under the Act for the Improvement of the Internal Navigation of Canada.

To His Excellency Sir *Peregrine Maitland*, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General commanding His Majesty's Forces therein, &c. &c. &c.

The Commissioners appointed by Your Excellency in conformity to the provisions of an Act passed in the second year of His Majesty's reign, intituled, "An Act to make Provision for the Improvement of the Internal Navigation of this Province,"

Most respectfully Report,

THAT in prosecution of the plans stated in the first Report, submitted at the late Session of the Legislature, the Commissioners this season applied their attention to the route from Lake Ontario by the interior lakes and streams of the River Ottawa; and because no positive direction could be assigned to this survey without more general knowledge of the interior than was at that time in their possession, they found it necessary that the engineer should traverse the country from Kingston to the confluence of the Rideau and Ottawa Rivers, and personally acquire the requisite information respecting its leading features.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Mr. Clowes, the engineer, accompanied by one of the Commissioners and by Mr. Sherwood, the land surveyor, who acted as guide on the occasion, embarked in canoes early in the spring, and proceeded from Kingston up the grand River Cataraquay, and through Cranberry Lake, to the Gananoque River, which are all connected by means of dams erected at the White Fish falls in the township of South Crosby, and at the round tail in Pittsburgh. The exploring party then passed up Jones' falls or rapids, and following up the White Fish branch of the Gananoque through several small lakes, to the carrying place from Mud into Rideau Lake, transported their canoes and baggage from the lower end of the latter into the River Mississippi by the main road leading from Perth to Lanark; from thence they descended to the Ottawa, and returned to Kingston by the Rideau river, Irish creek, and the Gananoque.

The Commissioners had been led to suppose that the Mississippi would afford great facilities for their proposed survey; it is in truth a fine and copious stream taking its rise somewhere in the neighbourhood of Crow River, one of the tributary streams of the Trent, and running in a northerly direction a course of about two hundred miles; on observing, however, its numerous rapids and cascades, as well as the falls at the Chats and Chaudières on the Ottawa, it was evident that the bed of the Mississippi was far too elevated, and that as the lockage to attain and descend from the summit pond would be enormously expensive, no Canal would be practicable in that direction.

The Rideau River seemed to oppose fewer obstacles, and it also presented a shorter course from Kingston to the still water of the Ottawa below the Chaudières Falls; the examination of the Petit Nation River, which was more distant and less promising, though also in contemplation, was postponed until the localities of the Rideau had been fully explored.

The engineer was therefore instructed to commence his surveys near Kingston, and to gain the Rideau (if possible, below the lake of that name) by the most direct line, and the lowest summit he might discover. It was at the same time suggested that he would probably meet with the lowest summit at a place in the township of Kitley, called Plum Hollow, where the waters of the Rideau and Gananoque very closely approach each other.

With these general views for his guidance, the engineer begun to explore the level on the 12th day of June, and continued incessantly engaged with it until the 15th day of November, when the severity of the weather and the necessity of reporting on the progress of the survey, put a period to his operation. The result, so far as there was time to proceed this season, is detailed in the following statement furnished by the engineer, and will be further elucidated by the accompanying Maps and Plans.

ESTIMATE, in so far as the Survey has been completed, for a CANAL intended to connect LAKE ONTARIO with the OTTAWA River, of the following Dimensions; viz. seven feet in depth, forty feet in width at the bottom, and sixty-one feet in width at the surface of the water; the banks to slope one foot and a half to one foot perpendicular; the locks to be one hundred feet in length by twenty-two feet in width, with turning bridges twenty-two feet in the clear, and ten feet wide.

| | No. of Cubic Yards. | Rate. | £. s. d. | | | £. s. d. | | |
|--|---------------------------|-------|----------|----|----|----------|----|----|
| First and Second miles, from the foot of Bells Island to the proposed place of departure out of Kingston Bay, a distance of about two miles, it will be necessary to clear the channel, several shoals crossing the River, | | | £. | s. | d. | £. | s. | d. |
| Clearing the channel, &c. the above distance | - | - | 300 | - | - | 300 | - | - |

Correspondence
relative to the
Canal Communi-
cation in Canada.

ESTIMATE for Canal—continued.

Third mile commences with Lock, No. 1. of 4 feet lift (being a guard-lock) situated on a small island at the edge of the river, allowing a depth of 8 feet water at the lowest ebb, the 4 feet lift guards the Canal against a fluctuation of 4 feet in Lake Ontario, giving 3 feet cutting through black mud lying upon a strong blue clay, a distance of 42 chains across the marsh, thence, 38 chains up a small ravine composed of soil and clay, excellent for a Canal. In the last distance of 38 chains, there is a rise of 15 feet 13 decimals, and it contains Lock, No. 2, of 7 feet lift and Lock, No. 3 of 8 feet lift, bottom level of the Canal 15 feet; this mile crossing the main road from Kingston to Montreal, it will be necessary to have a turning Bridge.

| | | | | | | | | | |
|--------------------|---|---|---|---|--------|------|-------|----|---|
| Cutting | - | - | - | - | 49,744 | 5 d. | 1,036 | 6 | 8 |
| Puddling | - | - | - | - | 7,857 | 4 d. | 130 | 19 | - |
| Lock, No. 1, 2 & 3 | - | - | - | - | - | - | 5,614 | - | - |
| Grubbing | - | - | - | - | - | - | 50 | - | - |
| Fencing | - | - | - | - | - | - | 32 | - | - |
| One Bridge | - | - | - | - | - | - | 110 | - | - |

6,973 5 8

Fourth mile is composed of a light soil upon a strong clay; near the commencement of this mile stands Lock, No. 4, an 8 feet lift, bottom level 23 feet; in this mile a great quantity of extra cutting is unavoidable. The River Cataraquay above the mills lying 28 feet 28 decimals higher than Kingston Bay, prevents our placing another Lock here, and it will therefore be necessary to have an extra waste weir 60 feet wide at the end of 1722 yards, to let off the surplus water to Kingston Mills.

| | | | | | | | | | |
|------------------|---|---|---|---|---------|-------|-------|----|-----|
| Cutting | - | - | - | - | 140,319 | 5½ d. | 3,215 | 12 | 10½ |
| Puddling | - | - | - | - | 1,174 | 4 d. | 19 | 11 | 4 |
| Lock, No. 4 | - | - | - | - | - | - | 1,982 | - | - |
| Grubbing | - | - | - | - | - | - | 60 | - | - |
| Fencing | - | - | - | - | - | - | 32 | - | - |
| Extra waste weir | - | - | - | - | - | - | 21 | - | - |

5,330 4 2½

Fifth mile commences in Kingston Mill Pond, the River forming a natural Canal with little alteration except such as straightening the sudden curves, &c. the excavation consists of black mud and clay. It is proposed to follow the natural stream from Kingston mill pond to the round tail.

| | | | | | | | | | |
|----------|---|---|---|---|--------|------|-----|---|---|
| Cutting | - | - | - | - | 19,813 | 4 d. | 330 | 4 | 4 |
| Puddling | - | - | - | - | 8,067 | 4 d. | 134 | 9 | - |
| Grubbing | - | - | - | - | - | - | 30 | - | - |
| Fencing | - | - | - | - | - | - | 32 | - | - |

526 13 4

Sixth mile consists of a strong clay excavation favourable, the natural bed of the River requiring little alteration.

| | | | | | | | | | |
|----------|---|---|---|---|-------|------|-----|----|---|
| Cutting | - | - | - | - | 6,109 | 6 d. | 152 | 14 | 6 |
| Puddling | - | - | - | - | 1,584 | 4 d. | 26 | 8 | - |
| Grubbing | - | - | - | - | - | - | 20 | - | - |
| Fencing | - | - | - | - | - | - | 32 | - | - |

231 2 6

Seventh mile resembles the preceding. It is a little above the level, and the extra cutting lies very conveniently for raising the banks, &c. in this mile is Lock, No. 5 of 7 feet lift, bottom level 30 feet.

| | | | | | | | | | |
|-------------|---|---|---|---|--------|------|-------|----|---|
| Cutting | - | - | - | - | 51,176 | 6 d. | 1,279 | 8 | - |
| Puddling | - | - | - | - | 3,535 | 4 d. | 58 | 18 | 4 |
| Lock, No. 5 | - | - | - | - | - | - | 1,866 | - | - |
| Grubbing | - | - | - | - | - | - | 100 | - | - |
| Fencing | - | - | - | - | - | - | 32 | - | - |

3,336 6 4

Correspondence
relative to the
Canal Communi-
cation in Canada.

| ESTIMATE for Canal—continued. | | | | No. of Cubic Yards. | Rate. | £. | s. | d. | £. | s. | d. |
|---|---|---|---|---------------------------|-------|-------|----|----|-------|----|----|
| Eighth mile runs near the level, all the excavation necessary is in raising the bank on the east side, a high hill nearly the whole distance on the west, the same description of earth continues as in the last mile. | | | | | | | | | | | |
| Cutting | - | - | - | 16,157 | 4d. | 269 | 5 | 8 | | | |
| Puddling | - | - | - | 4,161 | 4d. | 69 | 7 | - | | | |
| Grubbing | - | - | - | - | - | 56 | - | - | | | |
| Fencing | - | - | - | - | - | 32 | - | - | | | |
| | | | | | | | | | 426 | 12 | 8 |
| Ninth mile still preserves very nearly the level. It will be requisite to straighten the natural course of the river; the earth excavated is very convenient for raising the banks, &c. | | | | | | | | | | | |
| Cutting | - | - | - | 26,279 | 4d. | 437 | 19 | 8 | | | |
| Puddling | - | - | - | 8,666 | 4d. | 144 | 8 | 8 | | | |
| Grubbing | - | - | - | - | - | 44 | - | - | | | |
| Fencing | - | - | - | - | - | 32 | - | - | | | |
| | | | | | | | | | 658 | 8 | 4 |
| Tenth mile running rather above the level, is of the same description as the last, and little extra cutting will be necessary. | | | | | | | | | | | |
| Cutting | - | - | - | 31,804 | 4d. | 397 | 11 | - | | | |
| Puddling | - | - | - | 9,669 | 4d. | 161 | 3 | - | | | |
| Grubbing | - | - | - | - | - | 35 | - | - | | | |
| Fencing | - | - | - | - | - | 32 | - | - | | | |
| | | | | | | | | | 625 | 14 | - |
| Eleventh mile continues through the same clay excavation, and is nearer the level; the cutting is favourable. | | | | | | | | | | | |
| Cutting | - | - | - | 19,626 | 3d. | 245 | 6 | 6 | | | |
| Puddling | - | - | - | 4,976 | 4d. | 82 | 18 | 8 | | | |
| Grubbing | - | - | - | - | - | 40 | - | - | | | |
| Fencing | - | - | - | - | - | 32 | - | - | | | |
| | | | | | | | | | 400 | 5 | 3 |
| Twelfth mile runs a little above the level, it will be necessary to deepen the bed of the River. The excavation will answer for raising the east bank. | | | | | | | | | | | |
| Cutting | - | - | - | 20,537 | 3d. | 256 | 14 | 3 | | | |
| Puddling | - | - | - | 7,131 | 4d. | 118 | 17 | - | | | |
| Grubbing | - | - | - | - | - | 35 | - | - | | | |
| Fencing | - | - | - | - | - | 32 | - | - | | | |
| | | | | | | | | | 442 | 11 | 3 |
| Thirteenth mile; the River taking a serpentine course through the whole of this mile, it is necessary to straighten several curves, the excavation of which consists of a strong blue clay, &c. | | | | | | | | | | | |
| Cutting | - | - | - | 15,540 | 6d. | 388 | 10 | - | | | |
| Grubbing | - | - | - | - | - | 50 | - | - | | | |
| Fencing | - | - | - | - | - | 32 | - | - | | | |
| | | | | | | | | | 470 | 10 | - |
| Fourteenth mile consists of the same strong clay, and runs some distance above the level; the River will require to be deepened, the banks dressed and sloped, and a towing-path formed along the same; near the end of this mile stands Lock, No. 6, of 10 feet lift, bottom level of the Canal 40 feet. | | | | | | | | | | | |
| Cutting | - | - | - | 24,019 | 6d. | 600 | 9 | 6 | | | |
| Lock, No. 6 | - | - | - | - | - | 2,366 | - | - | | | |
| Grubbing | - | - | - | - | - | 30 | - | - | | | |
| Fencing | - | - | - | - | - | 32 | - | - | | | |
| | | | | | | | | | 3,028 | 9 | 6 |
| Fifteenth mile; the River running very straight and near the level, little alteration is necessary, the nature of the excavation favourable. | | | | | | | | | | | |
| Cutting | - | - | - | 8,595 | 4d. | 143 | 5 | - | | | |
| Grubbing | - | - | - | - | - | 40 | - | - | | | |
| Fencing | - | - | - | - | - | 32 | - | - | | | |
| | | | | | | | | | 215 | 5 | - |

| ESTIMATE for Canal—continued. | | N° of Cubic Yards. | Rate. | £. | s. | d. | £. | s. | d. | Correspondence relative to the Canal Communi- cation in Canada. |
|---|-----------|--------------------------|-------|-------|----|----|-------|----|----|--|
| Sixteenth mile, there is a little extra cutting required. The earth answers to the description of the last mile being easy to excavate, in this mile stands Lock, No. 7, of 9 feet lift, bottom level of the Canal, 49 feet. | | | | | | | | | | |
| Cutting | - - - - - | 24,766 | 4d. | 412 | 15 | 4 | | | | |
| Puddling | - - - - - | 1,936 | 4d. | 32 | 5 | 4 | | | | |
| Lock, No. 7 | - - - - - | - | - | 2,207 | - | - | | | | |
| Grubbing | - - - - - | - | - | 40 | - | - | | | | |
| Fencing | - - - - - | - | - | 32 | - | - | | | | |
| | | | | | | | 2,724 | - | 8 | |
| Seventeenth mile, for the first twenty chains runs near the level, and from thence to the end rises above it; at the end of this mile stands Lock, No. 8, an 8 feet lift; bottom level 57 feet, the same uniformity of earth continues. | | | | | | | | | | |
| Cutting | - - - - - | 48,159 | 4d. | 802 | 13 | - | | | | |
| Puddling | - - - - - | 6,479 | 4d. | 107 | 19 | 8 | | | | |
| Lock, No. 8 | - - - - - | - | - | 2,048 | - | - | | | | |
| Grubbing | - - - - - | - | - | 30 | - | - | | | | |
| Fencing | - - - - - | - | - | 32 | - | - | | | | |
| | | | | | | | 3,020 | 42 | 8 | |
| Eighteenth mile, for the first 33 $\frac{1}{2}$ chains the River will require deepening, the banks dressing, &c.; at the end of 34 chains stands Lock, No. 9, of 7 feet lift, bottom level 64 feet, it will be necessary to remove Brewer's Mill, there being high rocks east and west of it; from thence we have a natural Canal 46 chains, requiring only to remove the dead timber out of the River, and to form a towing-path on one side of it. | | | | | | | | | | |
| Cutting | - - - - - | 24,376 | 4d. | 406 | 5 | 4 | | | | |
| Puddling | - - - - - | 3,239 | 4d. | 53 | 19 | 8 | | | | |
| Lock, No. 9 | - - - - - | - | - | 1,866 | - | - | | | | |
| Grubbing, &c. | - - - - - | - | - | 100 | - | - | | | | |
| Fencing | - - - - - | - | - | 32 | - | - | | | | |
| | | | | | | | 2,458 | 5 | - | |
| From eighteenth to twenty-eighth mile, twenty-four and half chains after commencing the nineteenth mile, stands a place called the Round Tail. It is proposed to raise the water at this place, as well as in the Cranberry Lake and the drowned lands, 7 feet perpendicular, by constructing a Lock and waste weir at the head of the Round Tail, and a waste weir at the White Fish Falls. These waste weirs being designed to let off the surplus water and to guard the Canal from the injurious effects of a sudden rise, should be composed of substantial masonry. Lock, No. 10, being a lift of 7 feet 45 decimals, stands at the head of the Round Tail, bottom level 71 feet 45 decimals. | | | | | | | | | | |
| Very formidable difficulties would be encountered in attempting to cut through the marshy land it is now proposed to drown, and it would be necessary in many places to fill and plank each side of the Canal. The additional expense which would thus be incurred, is calculated not to fall short of £.24,925; on the east side of the Lock should stand a turn Bridge, so that the walls forming the Lock may serve as its abutments, and thus save nearly half the expense of the Bridge if placed on any other part of the Canal: | | | | | | | | | | |
| Cutting | - - - - - | 4,800 | 7d. | 116 | 13 | 4 | | | | |
| Puddling | - - - - - | 500 | 4d. | 8 | 6 | 8 | | | | |
| Lock, No. 10, waste weir, &c. | - - - - - | - | - | 2,182 | - | - | | | | |
| Cutting and removing dead timber | - - - - - | - | - | 760 | - | - | | | | |
| One Bridge | - - - - - | - | - | 50 | - | - | | | | |
| | | | | | | | 3,117 | - | - | |

Correspondence
relative to the
Canal Communi-
cation in Canada.

| ESTIMATE for Canal—continued. | | No. of Cubic Yards. | Rate. | £. s. d. | £. s. d. |
|--|---------|---------------------------|---------|------------|-------------|
| Twenty-ninth mile commences at the foot of Jones' Falls, and connects the drowned lands with Davis' Lake. In this mile there is a rise of 60 feet 91½ decimals, requiring six Locks; viz. four of 10 feet lift each, one of 10 feet 50 decimals, and one of 10 feet 41½ decimals; the bottom level of the Canal at the head of the falls is 132 feet 36½ decimals. The situation of each Lock is so managed that double Locks are avoided while a pound is reserved between each, sufficiently wide for vessels to pass each other. It is proposed, from the head of the falls across all the Lakes, as well as their inlets and outlets, to allow 8 feet water in order to guard against evaporation, &c. to the extent of one foot perpendicular. The natural position of the falls being very favourable, no extra cutting will be necessary. | | | | | |
| Cutting rock | - - - - | 13,400 | 3s. | 2,010 - - | |
| Cutting rock and loam | - - - - | 6,857 | 2s. | 685 14 - | |
| Puddling | - - - - | 4,160 | 6d. | 104 - - | |
| Locks, Nos. 11, 12, 13, 14, 15 & 16 | - - - - | - - | - - | 13,996 - - | |
| Opening into Davis' Lake | - - - - | - - | - - | 206 11 6 | |
| Grubbing | - - - - | - - | - - | 80 - - | |
| Twenty-ninth to thirty-second mile; the line of the Canal crosses Davis' Lake, and enters Opinicot Lake. At Davis' Mill there is a rise of 7 feet 29 decimals, requiring one Lock of that lift; bottom level 139 feet 65½ decimals, a bridge constructed across the Lock as at the Round Tail, Davis' Lake will be raised 4 feet. | | | | | 17,082 5 6 |
| Cutting rock | - - - - | 2,539 | 3s. | 380 17 - | |
| Ditto clay | - - - - | 352 | 7d. | 10 5 4 | |
| Ditto ditto | - - - - | 3,931 | 4d. | 65 10 4 | |
| Puddling | - - - - | 1,321 | 4d. | 22 - 4 | |
| Lock, No. 17 | - - - - | - - | - - | 1,866 - - | |
| One Bridge | - - - - | - - | - - | 50 - - | |
| Thirty-second to thirty-fourth mile; the line of the Canal crosses Opinicot Lake, and enters Indian Lake at Chafey's Mill; there is a rise of 14 feet 45 decimals, requiring two Locks, each with a lift of 7 feet 24½ decimals, a Bridge as at the Round Tail. The water will be raised 4 feet in Opinicot Lake, and 5 feet in Indian and Mud Lakes; the summit pound commences at Chafey's Mill; bottom level of the Canal 154 feet 10½ decimals. | | | | | 2,394 13 - |
| Cutting rock | - - - - | 11,761 | 2s. | 1,176 2 - | |
| Ditto clay | - - - - | 2,052 | 8d. | 68 8 - | |
| Puddling | - - - - | 1,000 | 4d. | 16 13 4 | |
| Locks, No. 18 & 19 | - - - - | - - | - - | 3,732 - - | |
| One Bridge | - - - - | - - | - - | 50 - - | |
| Thirty-fourth to forty-third mile; the line of the Canal passes through Indian Lake up the outlet of Mud Lake and through that Lake to the place of departure into the Rideau, a distance of eight miles. It is proposed to raise the water perpendicular, thereby acquiring at a trifling expense a good and safe navigation, besides placing all those Lakes on a level with Rideau Lake, and forming an extensive summit pound. The 43d mile connecting Mud and Rideau Lakes, occasions some extra excavation as it passes through a summit of 38 feet 32 decimals for a short space, and then falls near the level; the nature of the excavation through the ridge being rock, it is proposed to make the cut in that part 24 feet wide at the bottom, sloping 6 inches to the yard perpendicular, and in the clay excavation to make the cut 22 feet wide at the bottom sloping 1½ feet to 1 foot perpendicular; a bridge will be necessary for which the sides of the rock excavation will form abutments. | | | | | 5,043 3 4 |
| Cutting rock | - - - - | 32,187 | 3s. 4d. | 5,364 10 - | |
| Ditto clay | - - - - | 195,324 | 6d. | 4,883 2 - | |
| Grubbing | - - - - | - - | - - | 80 - - | |
| Fencing | - - - - | - - | - - | 32 - - | |
| One Bridge | - - - - | - - | - - | 60 - - | |
| | | | | | 10,419 12 - |

| ESTIMATE for Canal— <i>continued</i> . | No. of Cubic Yards. | Rate. | | | | | | | Correspondence relative to the Canal Communi- cation in Canada. |
|---|---------------------------|---------|-----|----|----|--------|----|----|--|
| | | | £. | s. | d. | £. | s. | d. | |
| Forty-third to forty-seventh mile; the course of the Canal is down the Rideau Lake to the first or upper narrows, where the navigation is obstructed for a distance of $5\frac{1}{2}$ chains; the excavation through rock at this place, will be 24 feet wide at bottom, in the centre, and 40 feet at each end, a bridge will be necessary as the intended road from Perth to Kingston is to cross at this spot. | | | | | | | | | |
| Cutting rock - - - - | 2,988 | 3s. 4d. | 498 | - | - | | | | |
| One Bridge - - - - | - | - | 60 | - | - | | | | |
| | | | | | | 558 | - | - | |
| Forty-seventh to sixty-fifth mile, the Canal continues down the Rideau Lake and requires no expense. The total length of the summit pound on the line of the Canal is thirty-one miles, exclusive of that part of the Lake which lies westward of the route, and which is estimated at seven miles in length. | | | | | | | | | |
| TOTAL - | - | - | - | - | £. | 69,783 | - | 1½ | |

Thus it appears that a good and easy navigation 65 miles in length for vessels drawing 6 feet water carrying 120 tons, and capable of braving the weather on Lake Ontario, might be acquired at an expense not exceeding £. 70,000 a sum absolutely insignificant, when compared with the magnitude of the object, for attaining which it would be applied.

In making the foregoing estimate, the engineer has bored the ground wherever excavation would occur to the depth of the bottom level of the Canal, and has thus accurately ascertained the nature of the various strata of earth and rock along the whole line.

As the bed of the River Cataraquay, at Kingston mills, is used for the Canal, it will be necessary at the back of each lock to construct a waste weir 40 feet in width, to protect the work against the dangers of floods; from Kingston mill pond as far as the round tail, the excavation is so favourable for raising the banks, and is besides so easy, that the expense of the Canal between those points is very moderate.

In the eighteenth mile stands Brewer's mill, which should be removed, as a lock would unavoidably occupy its site. The position of every lock as far as Jones' rapids is so judiciously selected, that no rock excavation occurs from Kingston harbour until the line of the Canal reaches the foot of Jones' Rapids, a distance of 28 miles.

A bed of clay throughout separates the lime stone rock on the west from a species of rock resembling granite which runs along the eastern bank: to which fortunate circumstance is to be ascribed the facility and cheapness with which this part of the work may be effected.

From the Round Tail to Jones' Rapids there is a wide extent of low marshy ground naturally inundated every spring. On one part of the western or White Fish branch by the Gananoque, and on another by the superfluous waters of the Loughborough Lake, Dog Lake, &c. the inundation of this tract is rendered permanent to a greater depth by means of dams placed at the Round Tail and the White Fish Falls by the proprietors of mills at those places.

In connecting the Canal at the Round Tail with the Gananoque River, the engineer might either make a cut across the intervening flats, or by dams at the outlets, he might convert them into one extensive lake, comprising Cranberry Lake, and another smaller one in its vicinity. The difficulties attending the former plan are numerous and important, in many places it would be necessary to drive piles and secure the banks of the Canal by planking them, and the excavation would be very troublesome in consequence of having to contend with water and a soft mud extending several yards in depth.

At a moderate calculation it is supposed that the cost of a cut at this place would not be less than £. 3,175. per mile, the distance is about nine miles and a half, of which

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which one mile and a half would be rather favourable. The whole expense is therefore estimated in the aggregate for the nine miles and a half at £. 25,650; by the latter plan the water would be raised to a depth of seven feet over the whole surface of the flats to the foot of Jones' Rapids. The expense of forming waste weirs at the Round Tail and White Fish Falls, clearing the timber from the direct line of the Canal on the flats, would amount to £. 725., and as the difference between the two plans amounts to £. 24,925. the advantages of inundating the tract instead of cutting through it, obtains a decided superiority. The owners of the land would no doubt require compensation for the loss of their property, but its total value in its present state cannot by any mode be estimated to exceed £. 1,500. including the reservations for the crown and clergy, which sum may be added to the estimate.

The twenty-ninth mile connects the drowned lands with Davis' or West Lake, and embraces Jones' Rapids where the Gananoque descends 60 feet 91 $\frac{1}{4}$ decimals over a narrow rocky channel, confined within precipitous banks of great elevation, which retire at intervals more or less from the bed of the stream; although the expense of this will be great, it is far less than any other route to the east or west of it. A certain rise in the line of the Canal was inevitably to be encountered; and no place could be discovered for this purpose presenting fewer obstructions than that in question. In fixing the situation of the six locks which are here required, occasion is taken to provide a reservoir between each, varying from one to four chains in width, and forming a pound sufficiently spacious for vessels coming in opposite directions to pass each other.

By dams at the outlets of the several lakes between Jones' Rapids and the Rideau, the water is raised to the required depth of the Canal without inundating much land of any value. From the peculiar formation of the country, all the good land lies high, and marshy lands principally are covered by means of the proposed dams. The difficulties attending rock excavation are exhibited by the estimate for the cut between Mud and Rideau Lakes, where a ridge of rock occurs for a short space, and hence a fair conjecture may be formed of the expense which would be incurred in deepening the bed of the lakes by removing, not merely sand bars, but shoals of rock remarkably solid and difficult to be blasted.

Such an enterprize would indeed be nearly impracticable, and if attempted would occasion an incalculable waste of money; by means of dams every obstacle is overcome, and the water is raised to a proper depth at a trifling expense.

The rock at the Indian carrying place has alone prevented the Rideau and Mud Lakes from uniting without the aid of art. In cutting through this rock, Indian, Mud, Rideau and Clear Lakes are placed on the same level, and this constitutes a magnificent summit pound thirty-one miles in length on the course of the Canal, at an elevation of 154 feet 10 $\frac{1}{4}$ decimals above Lake Ontario. In addition, there are several extensive lakes lying west of the line on the same level or above it, besides an arm of the Rideau Lake itself, which stretches off in a south-westerly direction. There can therefore be no cause to dread a want of water, for with the most extensive trade which can be anticipated, the summit pound would still remain an inexhaustible reservoir during the most arid seasons.

In the proposed cut between Mud and Rideau Lakes the width of the Canal is reduced, where rock excavation occurs, to 24 feet at the bottom and 43 feet at the top water line, which produces a saving of expense without the risk of any inconvenience to trade at a future day.

By the plan of the bridges, of which, owing to the nature of the country, six only would, for a length of time, be required, the engineer has ingeniously effected additional savings, for he makes the side walls of the locks supply the place of abutments.

The form of the bridges, which are intended to admit vessels with mast and standing rigging, perhaps renders the plan more feasible on the proposed Canal than on such as do not afford similar advantages to the craft which ply on their waters. A circumstance which may not be unworthy of remark is, that on the whole route, so far as the survey has been completed, *i. e.* on a line of 65 miles, neither embankment or culvert is required, and it is questionable whether this fact has a parallel in Canal surveying. Though the plain reason of this singularity is, that the natural course of the waters has been studiously adhered to, it nevertheless illustrates

illustrates the uncommon facilities of the route more amply than the most laboured arguments or abstract calculations.

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It will be observed, that the original idea of passing through Plum Hollow, founded on a presumption that the lowest summit would be found in that quarter, and adopted also on account of that place, lying nearly in a direct line from Kingston to the mouth of the Rideau, was abandoned, on its being ascertained that Plum Hollow, which appears low to the eye from its position in the neighbourhood of elevated ridges, was actually 156 feet 49 $\frac{1}{4}$ decimals higher than Lake Ontario, and consequently 2 feet 39 decimals above the bottom level of the present summit pound. There were other difficulties to be surmounted on this route; to supply the summit level, a feeder would have been required 10 miles in length from the big bay in the Rideau Lake, the construction of which would be a serious affair, as an intervening summit of limestone, 36 feet above the level, would have occasioned a heavy expenditure of money. The summit pound itself would not have extended beyond a few hundred yards, while the cost incurred for supplying it with water, would have tripled that of the route by Jones' Rapids and the lakes. Besides these objections to the route by Plum Hollow, two summits would have been requisite on that line. The flats between the Round Tail and the White-Fish Falls would have become the first summit, from which there would have been a descent by two locks at White Fish Falls into one of the Gananoque Lakes, called Henderson's or East Lake. From thence the route would have led through the Bastard Lakes to the second summit at Plum Hollow, and have reached the River Rideau by way of Irish Lake and Creek.

The line of the Canal is undoubtedly lengthened about 20 miles by abandoning this course and assuming the more circuitous one by the lakes; but the great saving of expense in the latter, and the benefit which would be derived from it by the rising settlements near the Rideau Lake, added to various other considerations, more than outweigh the disadvantages of increased length.

From the rugged and broken nature of those parts of Pittsburgh and South Crosby through which the various levels were conducted, from the numberless rocky eminences, marshes, bogs, &c. every where encountered, and in the scanty information to be gained in any other way than by personal examination of a tract of country which still remains almost in its primeval state, there unavoidably resulted much delay and occasional perplexity.

It was desirable to select the nearest, most advantageous and easiest course for the contemplated Canal, and for attaining this end every lake, ravine and marsh required to be minutely explored. The field books of the engineer will more clearly exhibit the difficulties against which he was obliged to contend in executing this part of his duty, as well as the numerous routes which, after being pursued for some time with ardent hope, led only to disappointment.

On giving up the route by Plum Hollow, the engineer endeavoured to avoid the expensive work at Jones' Rapids, by discovering, if possible, an easier way of encountering the rise to the summit at some point westward of those rapids. With this view Loughborough, August and September Lakes were examined, on the supposition that they might be connected with the Opinicon, which lies above Davis' Lake; but Loughborough Lake was found to be elevated 177 feet 37 $\frac{1}{4}$ decimals above the level of Lake Ontario, and 23 feet 27 decimals higher than the summit pound. Another level, through Dog, Troy, and Traverse Lakes, to Davis' Lake, failed, as a rocky summit of 70 feet above the level, presented an impassable barrier between the two latter lakes. Various other attempts of a similar description proved equally abortive, and it became eventually necessary to return to the western branch of the River Gananoque, and devise the best means of surmounting the impediments at Jones' Rapids; much time was thus unavoidably consumed in examining routes which proved to be impracticable; and as no part of the country could be left unexplored which afforded the slightest hope of a lower summit and greater facilities, the unremitting labours of the engineer and his party, during a season unusually favourable, were insufficient to determine the whole line of the Canal from Kingston to its junction with the Ottawa.

The distance from the point of departure in Kingston harbour to Chafey's Mills, at the outlet from Indian Lake, is about 34 miles; in addition to which there is a navigation, created by means of the cuts at the Rideau carrying place, and the

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upper narrows, of 31 miles, forming a total of 65 miles of navigation surveyed and estimated. The distances here computed, it may be remarked, are not perfectly correct, as several of the lakes, which were never accurately surveyed, could not be conveniently measured during summer; this operation was therefore deferred until the ice should afford an opportunity of accomplishing it with greater facility, accuracy and dispatch, and the land-surveyor is now engaged in its execution.

From the lower end of Rideau Lake, where the summit pound terminates, to the foot of the Chaudières Falls in the township of Nepean, the distance, by following the windings of the Rideau River, is about 60 miles, which will probably make the total length of the Canal, from Lake Ontario to the River Ottawa, about 125 miles.

Owing to the causes already adverted to, the line of the Canal through the last 60 miles could not be established this year. By dint of exertion, however, the engineer carried a level down to the Ottawa River, at the village of Sherwood, below the Chaudières, and ascertained the descent from the summit level to be 268 feet 33 $\frac{1}{2}$ decimals; this fall, when added to 154 feet 10 $\frac{1}{2}$ decimals, the rise from Lake Ontario to the summit level, makes an aggregate of 422 feet 44 decimals, for which no fewer than 45 locks will be required.

The difficulties which may occur in that part of the line of the Canal which remains to be laid down, are not supposed to be important, and will not probably occupy much more than three months next season. The expense of locks for the descent is certain and inevitable, and the chief care of the engineer will be required in selecting favourable ground and avoiding rock excavation. It is hoped that about 20 miles of the Rideau River, which, for that distance, is still and sufficiently deep, may be taken into the line of the Canal; and, should this be found practicable, a material reduction may thus be effected in the general estimates.

On a review of the summer's operations, the Commissioners have every reason to be gratified with their result, and they respectfully beg leave to bring under notice the benefit which has been derived from the long experience and professional ability of their chief engineer, Mr. Samuel Clowes, aided as he was by the zeal and assiduity of his assistant, Mr. James Clowes, and of the land-surveyor, Mr. Reuben Sherwood.

The accounts herewith submitted will explain the amount of disbursements during the year, which have been directed by the most rigid economy, consistent with the objects of the commission.

Should the duration of the Statute under which the Commissioners have acted be extended, an additional grant will be required for the purpose of completing the interior survey now in progress, as the arduous nature of the operations prevented its entire completion this season, according to the original expectations of the Board.

It would also be proper to carry into effect the plan for exploring the River St. Lawrence below Prescott, adverted to in the first Report, in the event of the determination made by the arbitrators last summer on this important subject not being sanctioned by the legislatures of the two Provinces.

It is therefore hoped that the same enlightened patriotism which originally suggested the Canal surveys, will watch over them until they shall be perfected, and until the capabilities of the country for internal improvements, vast and noble as they are, shall have been fully investigated and made known.

The Commissioners, before concluding, conceive it incumbent on them to state their regret, that this Report was not presented at an earlier period of the present Session of Parliament, no exertion was spared for that purpose, but the calculation necessary in framing the Estimates demanded considerable time, and the engineer could not be suddenly withdrawn from his levels without great inconvenience.

All which is humbly submitted,

(signed) *John Macaulay.*

Charles Jones.

James Gordon.

Robert Nichol.

York, 20th December 1823.

SIR, To *John Macaulay*, Esquire, President, Canal Commission.

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HEREWITH you will receive separate Estimates for connecting Lakes Ontario and Burlington by a Canal of 12 feet deep water, 32 feet wide bottom; one of 14 feet deep water, 39 feet wide bottom; one of 18 feet deep water, 45 feet wide bottom; and one of 23 feet deep water, 60 feet wide bottom. The width of each Canal is the narrowest space between piers for a bridge through which His Majesty's ships and vessels, drawing the depths of water above mentioned on Lake Ontario, could pass with safety, which gives the width of the bottom of the several Canals.

Where excavation is necessary, the banks of each are calculated to slope $1\frac{1}{2}$ feet to 1 foot perpendicular. In order to have made a true estimate, the beach between Lake Ontario and the pond in front of Mr. Brant's house, and also the gravel bank between the said pond and Burlington Lake ought to have been bored, and thereby the nature of the earth accurately ascertained, as well for estimating the excavation between the lakes, as for driving the piles for piers in the lakes.

In consequence of this work not having been done, I have supposed it to consist of sand, gravel, clay and soft slate stone, agreeable to the particulars marked upon the Map.

The following Specification shows the particulars from whence arises the aggregate of each Estimate.

SPECIFICATION.

EACH pier, for the distance of 100 yards from the beach into Lake Ontario, to consist of two rows of piles, each pile to be driven 6 feet deep, the water varying from 1 to 5 feet deep. The next 100 yards, (making 200 yards from the beach into Lake Ontario), to consist of two rows of piles, and each pile to be driven 7 feet deep, the water varying from 5 to 7 feet deep. The next 100 yards, (making 300 yards from the beach into Lake Ontario), to consist of three rows of piles, each pile to be driven 8 feet deep, the water varying from 7 to 9 feet deep. The next 60 yards (making 360 yards from the beach into Lake Ontario), to consist of three rows of piles, each pile to be driven ten feet deep, the water varying from 9 to 12 feet deep, 360 yards being the shortest distance from the beach into Lake Ontario, and the length of piers required for the first or 12 feet deep Canal.

From thence to 14 feet deep water, is a distance of 140 yards, (making 500 yards from the beach into Lake Ontario), the pier to consist of three rows of piles, each pile to be driven 12 feet deep, 500 yards being the shortest distance from the beach into Lake Ontario, to 14 feet deep water, and the length of piers required for the second or 14 feet deep Canal.

Thence 170 yards from 14 to 18 feet deep water, (making 670 yards from the beach into Lake Ontario to 18 feet deep water) to consist of three rows of piles, each pile to be driven 12 feet deep, 670 yards being the shortest distance from the beach to 18 feet deep water into Lake Ontario, and the length of the piers required for the third or 18 feet deep Canal.

Each pile for the first 200 yards, from the beach into Lake Ontario, to measure 1 foot diameter 6 feet from the bottom end of the pile. Thence 160 yards, (making 360 yards from the beach into Lake Ontario,) to measure 13 inches diameter 9 feet from the bottom end of the pile. Thence 140 yards, (making 500 yards from the beach into Lake Ontario), to measure 14 inches diameter 12 feet from the bottom end of the pile. Thence 170 yards, (making 670 yards from the beach into Lake Ontario), to measure 15 inches diameter 12 feet from the bottom end of the pile; each pile to be shod with wrought or cast-iron, a strong iron hoop to be fitted on the end of each pile while driving, to prevent the same from splitting, and afterwards to be removed.

Between each pile to measure 2 feet in the clear, lineal measure, and 4 feet from outside to outside where there are two rows of piles, and 5 feet from outside to outside where there are three rows of piles, each pile in the first and second row to be grooved on each side, 3 inches wide and 2 inches deep, to admit a pile plank from the top of the pile to 1 foot below the depth of water in which they stand, the piers in Lake Ontario to stand 5 feet above water level, between the piles in

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the first and second row to have a pile plank 2 feet 4 inches wide and 3 inches thick, a sil plank, the vacant space between the piles to be filled with earth free from large stones, to form a puddle from the breach to the end in Lake Ontario; behind each pier loose stone to be thrown in such quantities as to be 3 feet wide at the top of each pier, forming its own slope; part of the excavation to be thrown at the back of the said stone, to form a bank of 3 feet wide finding its own slope, making the piers in Lake Ontario 11 feet wide, 5 feet above water level, and thereby forming one solid mass.

A bunting piece 12 inches deep and 9 inches thick, to be fixed at water level the whole length of the pier, circling 6 inches from the bottom to 3 inches thick at the top, and fastened with spike nails 15 inches long, of half-inch square iron, one to every pile or 3 feet asunder, above which, to the top of the said piers, as well as across the top, to be planked with 3-inch planks and fastened with 5-inch spike nails on every pile, and round the end of each pier the piles to be fastened together with cramps of 1½-inch square iron.

The excavation between the piers to be allowed to slope 1½ feet to 1 foot perpendicular, exclusive of a beam on each side of the top of the said excavation of 2 feet wide, to guard and strengthen the piles against any underset arising from easterly gales, which makes the width of the surface of water for the 12-foot Canal, 72 feet wide; for the 14-foot Canal, 85 feet wide; for the 18-foot Canal, 103 feet wide; and for the 23-foot Canal, 133 feet wide; which may be seen by a reference to the Map.

In the excavation through the beach, between Lake Ontario and the pond where the road is, it will be necessary to have a single turn bridge for the 12-foot canal, or a double one for the 14 and 18-foot canals; the abutments for each to be composed of masonry 6 feet thick in the centre and 4 feet thick in the wing walls, the whole to be of good sound stone properly bedded, jointed, and set in lime mortar, and the part facing the Canal well hammered or dressed, and no course or layer of stone less than 12 inches thick, and the top course or layer, called coping stone, to be 2 feet thick, and each stone to be 3 feet long, the wing walls circling round, so as to be at the end of the same width as the piers and centre, agreeably to the dimensions of the said depths; it will be necessary on the south side of the Canal, to extend a pier from the east end of the pond westward, 130 yards long to 12 feet deep water in the pond opposite Mr. Brant's house, for the 12-foot Canal, the north shore forming a pier on its own side.

An additional length of pier on the south side will be required of 150 yards for the 14-foot Canal, and of 300 yards for the 18-foot Canal—the north shore still forming its own pier; this pier to consist of two rows of piles, and to be made in every respect the same as the first 100 yards from the beach into Lake Ontario.

The top excavation between Lake Ontario and the pond to have a berm of 6 feet wide on each side at the height of the piers, or 5 feet above water level, so that the piers in Lake Ontario, as well as the excavation across the beach, and the pier opposite Mr. Brant's house, the bridge, &c. may have a uniform appearance.

At the head of the said pond, where the gravel bank commences, from 12 feet deep water in the pond to 12 feet deep water in Burlington Lake, is a distance of 360 yards; from 14 feet deep water in the pond to 14 feet deep water in Burlington lake, is a distance of 400 yards; from 18 feet deep water in the pond to 18 feet deep water in Burlington Lake, is a distance of 520 yards.

Commencing in the head of the pond at 12 feet deep water with two piers, each pier for the distance of 75 yards, to consist of two rows of piles to be driven 8 feet deep, the water varying from 12 to 3 feet deep; thence crossing the gravel bank to 4 feet deep water in Burlington Lake, a distance of 100 yards (making 175 yards,) to be driven 6 feet deep; thence from 4 to 8 feet deep water in Burlington Lake, a distance of 125 yards, (making 300 yards,) piles to be driven 8 feet; thence from 8 to 12 feet deep water in Burlington Lake, a distance of 60 yards, (making 360 yards), piles to be driven 10 feet deep; these piers to be finished in every respect the same as the first 100 yards from the beach into Lake Ontario, except that they are to stand 4 in lieu of 5 feet above the surface of the water.

From

From 12 to 14 feet deep water in the pond and Burlington Lake, to be finished with three rows of piles, the same as in Lake Ontario, exclusive of standing 4 in lieu of 5 feet above water level. From 14 feet to 18 feet deep water in the pond and Burlington Lake, to be completed as in Lake Ontario, except standing 4 in lieu of 5 feet above water level. The width between the piers at the Burlington end of the work, to correspond, in every respect, with those of Lake Ontario as shown on the Map. By a reference to the Map it will be seen, that the 23-feet Canal will be formed at the least possible expense, 1,430 yards south of the other proposed route for minor cuts, or 440 yards north of the present bridge crossing the outlet.

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From 2 feet deep water in Lake Ontario, to 4 feet deep water in Burlington Lake, is a distance of 567 yards, the piers for this distance to consist of 2 rows of piles, each pile to be driven 6 feet deep. From 4 feet deep water in Burlington Lake to 12, a distance of 212 yards, the piers to consist of two rows of piles driven 8 feet deep; thence from 12 feet deep water to 23, a distance of 198 yards, to consist of 3 rows of piles driven 12 feet deep.

From 2 to 6 feet deep water in Lake Ontario, a distance of 100 yards, to consist of 2 rows of piles, driven 7 feet deep. From 6 to 12 feet deep water, a distance of 200 yards, to consist of 3 rows of piles, driven 12 feet deep.

The piers, excavation, bridges, &c. to be finished in every respect as specified in the minor Canals.

From 23 feet deep water in Burlington Lake to 23 feet deep water in Lake Ontario, is a distance of 1,650 yards, as may be seen on reference to the Map.

ESTIMATES.

| Depth of Water in feet. | Width of Bottom, in feet. | Width of Surface, in feet. | TOTAL AMOUNT. | | |
|----------------------------|------------------------------|-------------------------------|---------------|----|----|
| | | | £. | s. | d. |
| 12 | 32 | 72 | 7,910 | 18 | 1 |
| 14 | 39 | 85 | 12,984 | 13 | 10 |
| 18 | 45 | 103 | 20,975 | 19 | 9 |
| 23 | 60 | 133 | 48,227 | 2 | 4 |

The above estimates are founded on manual labour, &c. as at the present time.

Good able and skilful labourers are allowed 2s. 6d. per day.

Mechanics from 3s. to 5s. per day.

Materials are calculated at prices current at the present time.

The contractor to find all machinery for driving piles, pumping water, schow, boats, tools and utensils of every description at his own expense, only to be allowed to procure whatever timber may be wanted for piers, bridge, machinery, &c. on government land in the vicinity of the Canal. No other timber to be used for piers, &c. than cedar, pine and white oak.

I am, Sir,

Your obedient servant,

(signed)

Sam. Clowes,

Civil Engineer.

Kingston, 29th November 1823.

P. S.—The estimate delivered last winter to the honourable Board of Commissioners, as mentioned in their first Report to connect Burlington Lake with Ontario, was from necessity founded on information (since found to be rather defective), the weather at that time did not permit the marine surveyor to ascertain the distance from the beach into Lakes Ontario and Burlington, to the depth of water required, and this circumstance will account for the difference in the estimates.

S. C.

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Supplementary REPORT of the Commissioners appointed by his Excellency the Lieutenant Governor, in conformity to the provisions of an Act passed in the second year of His Majesty's reign, intituled, "An Act to make provisions for the Improvement of the Internal Navigation of this Province."

THE Commissioners of the Internal Navigation beg leave to submit to your Excellency certain Plans and Estimates for the construction of a safe and commodious Harbour at Burlington Bay, on different scales of magnitude, to which is appended the correspondence on the subject with His Majesty's naval Commissioner in Canada.

It is considered unnecessary to offer any observations on the importance of a harbour at the head of the lake, and the advantages which might accrue from a joint application to the same purpose of the late provincial appropriation, and such aid as the Lords Commissioners of the Admiralty might be induced to authorize.

It was the intention of the Board to have examined, in the course of the season, the nature of the ground at Burlington Beach, by boring to the requisite depth, and also to have completed the upper survey by fixing on the course of the feeder, as that work could not be performed last year; the full occupation given the engineer on the lower route, did not, however, leave any time for the accomplishment of this object.

York, 20th December 1823.

(signed) *John Macaulay.*
Charles Jones.
James Gordon.
Robert Nichol.

No. 25—LETTER from *R. Byham, Esq.* to *R. W. Horton, Esq.*
&c. &c. &c.

SIR,

Office of Ordnance, 3d April 1826.

BY command of the Lieutenant-General and Board, I have the honour to transmit to you the enclosed letter dated 22d ultimo, from General Mann, with accompanying papers, relating to the Rideau Canal proposed to be constructed in Canada; and I am to request you will submit the same to Earl Bathurst, the first convenient opportunity, apprising his Lordship that the Lieutenant-General and Board think it right to submit the papers to him before they prepare the instructions for Lieutenant-Colonel By of the corps of Royal Engineers, who is under orders to proceed to Canada, to superintend the construction of the Canal. I am further to state, that so soon as the Lieutenant-General and Board shall receive these papers back again, with any additions or observations which Earl Bathurst shall think proper to make thereon, the Lieutenant-General and Board will direct the proper instructions, grounded on the papers, to be prepared for Lieutenant-Colonel By; but they prefer postponing the preparation of such instructions until they are favoured with any observations Earl Bathurst may be desirous of making hereon.

I have, &c.
(signed) *R. Byham.*

No. 26.—MEMORANDA from Major-General Sir *James Carmichael Smyth*,
to General *Mann*, &c. &c. &c.

14th March 1826.

THE following Memoranda relative to the proposed Water Communication between the Ottawa River and the Town of Kingston, upon Lake Ontario, contain every thing that has occurred to me as in my power to communicate which may be serviceable to Lieut.-Colonel *By*.

1.—THE object is, to form an uninterrupted Water Communication from Lake Ontario to the Ottawa River. As this undertaking is part of a system, of which the La Chine Canal and the Grenville Canal form portions, the absolute necessity of making the locks of this new Canal the same length and breadth as those already constructed and constructing upon the two Canals alluded to, cannot be too strongly impressed upon Lieut.-Colonel *By*. The locks must be 108 feet in length, and 20 feet in breadth.

2.—Strong representations will be made to Lieut.-Colonel *By* by many respectable inhabitants and several of the principal merchants, recommending the Canal to be conducted by Kyles Bridge, as being the nearest line, and requiring only a very short land-carriage; others will propose the Gananoqué River, instead of Kingston, as the most convenient termination of the Canal on Lake Ontario. In a point of view, these considerations might be worth attending to: as it is, however, an uninterrupted Water Communication between the Ottawa and Lake Ontario the Government have in view, and the circulation of gun-boats between Montreal and Kingston, that line only which will ensure these advantages must be adopted. The Canal must end at Kingston. The Canal will have to be conducted by the Rideau River, the Rideau Lake, the Mud Lake, Cranberry Marsh, and Kingston Mill-Stream.

3.—Lieut.-Colonel *By* is recommended to procure at Quebec, at the Commanding Engineer's Office, a copy of Lieutenant *Jebb's* Report upon the subject, as also a copy of his sketch of the ground: he will find both these papers very clear and satisfactory; he will, however, derive more detailed information from the Report of the Parliamentary Commissioners of Upper Canada, of the 5th February last, addressed to Sir *Peregrine Maitland*, and giving cover to three estimates for forming the Canal under consideration, drawn up by a very able practical civil engineer, Mr. *Samuel Clowes*, from actual survey and measurement. A copy of this Report, and of these estimates, Lieut.-Colonel *By* will be able to procure upon application at the proper office at York, and doubtless they will afford him very great assistance.

4.—The Americans have published, collected together in one octavo volume, all the periodical Reports of their Commissioners employed in carrying on their great Western Canal. I beg leave to suggest to Lieut.-Colonel *By* to procure this book from New York, as containing a great deal of valuable information: he will see the nature of the difficulties he will have to contend with, the great quantities of water (much more than in Europe) which, at the breaking up of the frost, will be apt to injure the Canal, if not guarded against by culverts and waste weirs; some interesting and instructive details as to the mode of excavating the Canal, and constructing such dams as were necessary; and, generally, many matters which may be of service upon the present occasion.

5.—I recommend Lieut.-Colonel *By* to go over the works of the La Chine Canal in company with the Commissioners of the Parliament of Lower Canada, under whose superintendence this truly valuable and magnificent undertaking (for a young country) has been constructed: he will find every thing here extremely well executed, and in a much more substantial manner than the American Canal, and will derive every information as to the price and cost of materials, workmanship and labour.

135.

F

6.—I am

Mem. 6. The Board conceive, that as the measure has, to a certain extent, been agreed to by Parliament, there is no objection to proceed with the work, without waiting each year for the notification of the Building Grant: as, however, the vote is to be taken in the Colonial Estimate, refer the point to Earl Bathurst. The Board concurs entirely.

6.—I am of opinion that it will be found more economical and more expeditious to execute the greater part, if not the whole, of the proposed Rideau Canal by contract. There will be no difficulty in finding contractors for the excavation. When the line is once traced and decided upon, the execution may be given out to contractors, allotting different lengths to different individuals, according to the means, and what they may be willing to agree for. I would ever contract under careful specifications for the lock, flood-gates and other particulars. The Americans made all their Western Canal by contract. The La Chine Canal has been contracted under agreements. Government would avoid the formation of an expensive establishment, which otherwise will be required. The labourers on the Grenville Canal are fed by the Commissariat have tents issued for their use, and have medical attendance; if the Ordnance hire artificers and work-people, and attempt to construct the Rideau Canal by day-work, they will be obliged to incur the same expense, and the establishment absolutely necessary to superintend such a considerable undertaking will be very numerous. I strongly recommend the execution of the work by contract in preference; the termination of the work at a fixed period may, in that case, be looked forward to. Three or four additional engineer officers, and the same number of intelligent clerks of works, will be all that will be required for the Rideau Canal, and whose services will be subsequently available for other operations: whereas, if it is attempted to execute this work by day-work, a large establishment will, in the first instance, require to be formed, and the termination of the Canal at any given period cannot be looked forward to with the same certainty. The only inconvenience attending the execution of the work by contract, that I am aware of, is, that, in that case, the whole of the cost must be asked for from Parliament at once, as the contractor must be at liberty to commence as early in the season as circumstances will permit, without waiting for the passing of an annual grant. He must be enabled to arrange for the feeding and lodging of his work-people for one or two years before; which he could not do if a fresh contract is to be entered into each season.

Mem. 7. Refer this to the Colonial Department. Col. By may take out a copy of the Defence Act, by which land required for the Public Service was bought by Government. The principle of which, under certain modifications, might be applicable to the land required in Canada. The Board also desire to draw Col. By's attention to the necessity of

7.—Lieut.-Colonel By will require a letter from the Colonial Office to the Governor General of Canada, and a more detailed one to the Lieut.-Governor of Upper Canada. He will require such assistance only from Lord Dalhousie as to be put in communication with the Commissioners of the La Chine Canal; but he will want from Sir Peregrine Maitland and the legislature of Upper Canada their aid in giving him possession of the land through which the proposed Canal is to be conducted. The sooner the subject of the land is arranged between the Colonial Office and the Government of Upper Canada the better. The moment the determination of Government to execute this canal is known, land which is at present waste and useless will rise in value. All preliminary arrangements upon this subject cannot too soon be made.

(signed) *J. Carmichael Smyth,*
M: General.

taking a sufficiency of land on such points of the Canal nearest to Kingston which, from their proximity to Lake Ontario, might require Martello Towers or Batteries to protect the embankments and works from being destroyed by the landing an enemy for that purpose. Any such works are distinct subjects, and must be reserved for ulterior consideration; but, in securing the land on the banks of the projected Canal, the possibility of such a necessity must not be lost sight of. As to the mode of drawing the money required for these services, it is suggested that the account should be carried on as a Supplementary Ordnance Account: the necessary sum to be drawn from the Military Chest by the Ordnance Storekeeper: the Military Chest to be credited with the sum voted by Parliament in the Colonial Estimate: the Ordnance Department to render each year to the Colonial Department an account of the sum so expended and drawn out of the Military Chest, with an Estimate of the sum required for the succeeding year.

No. 27.—LETTER from *R. W. Horton*, Esq. to *W. Griffin*, Esq.
&c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

SIR, Downing-street, 18th April 1826.

I HAVE laid before Lord Bathurst your letter of the 3d instant, with the accompanying papers relating to the Rideau Canal, proposed to be constructed in Canada; and I am directed by his Lordship to acquaint you, for the information of the Lieutenant General and Board of Ordnance, that his Lordship has no observations to make on the instructions to be given to Lieut.-Colonel By, except to express his anxious hope that every exertion will be made to proceed in this important work with all possible dispatch; and his Lordship is of opinion, that it will be proper to authorize the contractor to commence as early in the season as circumstances will permit, without waiting for the passing of the annual grant. Lord Bathurst will direct letters to be prepared to the Governor General, and the Lieutenant Governor of Upper Canada, desiring them to afford every aid and assistance in procuring the land which may be selected by Lieut.-Colonel By for the Canal; and his Lordship feels confident that every support and facility will be given to that officer by the local government.

I am, Sir, &c.
(signed) *R. W. Horton.*

No. 28.—LETTER from Major-General *Sir J. Carmichael Smyth*
to General *Mann*, &c. &c. &c.

SIR, Nutwood Ryegate, 17 August 1826.

IN obedience to your orders, as communicated to me by Lieut.-Colonel Ellicombe, in his letter of the 11th instant, forwarding to me, at the same time, a copy of His Grace the Master General's Minute of the preceding day, on the subject of the probable amount of the money which may be required in the ensuing year for the service of the Canals or internal Water Communications now carrying on in the Canadas, I beg leave, with the utmost respect, to offer the following observations.

The money granted last year by Parliament towards the Canadian Canals, was £.15,000; of this sum, £.10,000 was allotted to that part of the Water Communication between Montreal and Kingston, upon the Ottawa, under the charge of Staff Corps; and Lieut.-Colonel By was permitted to expend the remaining £.5,000 in carrying into effect the necessary preliminary measures upon the Rideau, and in the neighbourhood of Kingston, according to the best of his judgment. The whole of the estimate for the Rideau is £.160,000. If we deduct the £.5,000 Lieut.-Colonel By may be supposed to have expended, there will remain £.164,000; and if this amount is divided by 5, (being the number of years the operation will probably require,) it appears that £.32,800 is the sum which ought to be demanded for the service of next summer towards the Rideau Canal, with a view to its being completed in 1831. I take the liberty respectfully to remark, that whatever may be the amount it may be determined upon to apply for, it is of the utmost consequence that Lieut.-Colonel By should have the most early notice, in order that he may make his arrangements accordingly.

The sum allotted last year to that part of the proposed communication which is on the Ottawa, it has already been stated was £.10,000. This was merely according to what has hitherto usually been given since the commencement of the work, and at which rate the Staff Corps cannot complete their part (including the Châte à Blondeau, the Carillon, and the St. Anne's Rapids) before the end of 1832, even supposing no unforeseen obstacles present themselves. As they have now another company employed upon this duty they have the means of greater exertion; and as it is evident the whole of the Water Communication between Montreal and Kingston should be completed at the same time, if possible, it seems that it would be advisable to augment the annual grant for this part of the undertaking, and that it might with advantage be made £.15,000 instead of £.10,000.

His Grace the Master General, in the latter part of his Minute, having alluded to the Welland or Niagara Canal upon the Niagara frontier, I beg leave to observe that this Canal is carrying on (as more fully stated at page 50 of the Report of the Commission of which I had the honour to be president) by a private company under the sanction of the Provincial Legislature. The estimated expense is £.147,240.

Correspondence
relative to the
Canal Communi-
cation in Canada.

It is understood that the Company look forward to some assistance from His Majesty's Government, in consequence of the advantage which will accrue to the Government in the saving of expense of forwarding stores to Lake Erie, and the upper part of the province. In the case of La Chine Canal (which was executed by the authorities of Lower Canada) His Majesty's Government gave £. 12,000, or about 1-9th of the money required, upon condition of all boats and vessels with Government stores being allowed to pass duty free, or without any lockage being demanded. I take the liberty, with the utmost respect, to remark, on the subject of the Welland or Niagara Canal, that it appears to me it will be necessary that some similar agreement should be entered into with the proprietors, and be clearly understood before any money is advanced. This is of course an arrangement which will be attended to by the Colonial Office, through the Lieut.-Governor of Upper Canada. Should His Majesty's Government deem it advisable to afford the same assistance towards the Niagara Canal as was done towards that of La Chine, the 1-9th of the estimated sum will be £. 16,360. It may be perhaps advisable here to repeat the observations contained in page 50 of the Report above alluded to, respecting the dimension of the locks.

In any agreement with the proprietors, too much caution cannot be observed on this point. In return for whatever money may be advanced by Government, the proprietors of the Canal ought to be required not only to allow all Government boats and vessels, or other boats or vessels when employed carrying Government stores, to make use of the Canal without paying any duty, but also engage to construct the Canals (or rather the locks of the Canals) at least 22 feet broad. The £. 16,360 might also be paid only by yearly or other periodical instalments, in proportion to the progress of the work. If divided by five, it would be £. 3,432 per annum for the five years the work it is estimated will be in hand.

If the foregoing observations are correct, it would appear that the following sums will be required to be expended in the Canadas, during the ensuing summer, upon the proposed Water Communications; viz.

| | |
|--|-----------|
| 1st. On the Rideau Canal, under the superintendence of | £. |
| Lieut.-Colonel By | 32,800 |
| 2d. On the rapids of the Ottawa by the Staff Corps | 15,000 |
| 3d. Toward the Niagara or Welland Canal, carried on by | |
| a company | 3,432 |
| | <hr/> |
| | £. 51,232 |

I have, &c.
(signed) J. Carmichael Smyth,
Major-General.

No. 29.—LETTER from R. Byham, Esq. to R. W. Horton, Esq.
&c. &c. &c.

SIR,

Office of Ordnance, 15th Jan. 1827.

THE Master-General and Board having had under their consideration the inclosed letter, dated the 1st instant, from the Inspector General of Fortifications, with the accompanying correspondence relating to the several works recommended by the Engineer Commissioners to be undertaken in the Canadas;—

I have the honour, by direction of his Grace and the Board, to refer the Papers to you, to be laid before Earl Bathurst, and to request that you will state to his Lordship, that the Master-General and Board consider it very desirable that no time should be lost in issuing directions for the purchase of the land required for the line of the Canals.

I am at the same time directed to observe, that as soon as the Papers shall be returned by his Lordship, the Master General and Board will give orders respecting all the other points mentioned in the correspondence, and I am to add, that his Grace has not heard from Lord Dalhousie relative to the building at La Chine.

I have, &c.
(signed) R. Byham.

No. 30.—LETTER from General *Mann* to *R. Byham*, Esquire, &c. &c. &c.
with BOARD'S Order thereon.

Correspondence
relative to the
Canal Communi-
cation in Canada.

SIR, 84 Pall Mall, 1 Jan. 1827.

8th January 1827.

I INCLOSE herewith, for the consideration of the Master General and Board, a letter of Colonel Durnford, dated Quebec, 10th November last, with accompanying correspondence on the subject of the several works recommended by the Engineer Commissioners to be undertaken in the Canadas, showing what steps have been taken by the Commanding Engineer, with the concurrence of the Commander of the Forces, to carry into effect the orders and instructions of the Master-General and Board, upon the several points adverted to.

The subject which seems most immediately to call for attention, is the want of some official communication from the Colonial Office to the governments of the provinces of Upper and Lower Canada; without this (however they may be disposed to facilitate the operations of the Engineer Department, under the instructions of the Master-General and Board of Ordnance) no progress can be made in entering upon the lands through which the Rideau Canal is intended to pass, nor can any other steps be taken towards the possession of other grounds that have been pointed out as necessary for the works in contemplation to be constructed. Moreover, it is found that delay may tend to advance the value of the lands required.

I am, &c.

(signed) *Göther Mann*.

Ordered to be sent to the Master-General, and that his Grace be apprized that the Board have communicated, from time to time, with the Secretary of State for the Colonial Department, on all the steps as they have proceeded, respecting the projected works in Canada; and Mr. Wilmot Horton has stated in his letter of the 18th April last, "that Lord Bathurst would communicate with the Governor-General and Lieut.-Governor of Upper Canada, and would desire them to afford every aid and assistance in procuring the land which Lieut.-Colonel By might select for the Rideau Canal."

(signed) *H. H.*

No. 31.—LETTER from Colonel *Durnford* to Major-General *Darling*,
&c. &c. &c.

SIR,

Royal Engineer Office, Quebec, 14th October 1826.

AS I rely on his Lordship the Commander of the Forces having received the expected communications from the Secretary of State for forwarding the views of his Grace the Master-General and Honourable Board of Ordnance respecting the prosecution of the Rideau Canal, I have the honour to enclose, for the information of his Lordship, a copy of the instructions I propose sending to Lieut.-Colonel By, that no time may be lost in proceeding on the important work alluded to.

Should I be mistaken as to the receipt of the communications from the Secretary of State, I can only trust that his Lordship, having before him copies of all the orders of his Grace and the Board that have been forwarded for the guidance of Lieut.-Colonel By, will be pleased to sanction his proceeding to carry the same into immediate effect, and make such communications to his Excellency Sir P. Maitland, as well as to enable him also to afford facility as to the compensation of ground which will be required for the Rideau Canal, so as to prevent the possibility of their being considered in the light of illegal intruders on the property they are required to survey and take sections of.

I have, &c.

(signed) *E. W. Durnford*,
Col. Com^d Rl. Eng^r, Canada.

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 32.—LETTER from Colonel Durnford to Lieut-Colonel By,
&c. &c. &c.

SIR,

Royal Engineer Office, Quebec, 14th Oct. 1826.

IN addition to the communications, written and personal, that I have had the honour of holding with you respecting the service that you are entrusted with, I have now to request that as soon as you have made all the observations on the nature of the ground, and approaches to the River Rideau near the Falls, that you will proceed to wait on his Excellency Sir P. Maitland, introducing to his notice the letters that his Lordship the Commander of the Forces was pleased to give you when we met you at Hull.

When at Kingston you will inspect the ground near the mills where it is proposed the Canal should terminate, and in case you judge that the services of Captain Bolton, now he appears to be getting better, can be more essential to you at Kingston than at Montreal, you will of course call his attention thereto either immediately or early in the spring.

I have, &c.

(signed)

E. W. Durnford,

Col. Com^d Rl. Eng^s, Canada.

No. 33.—LETTER from Major-General Darling to Colonel Durnford;
&c. &c. &c.

SIR,

Military Secretary's Office, Quebec, 25th Oct. 1826.

I HAVE the honour to acknowledge the receipt of your letter of the 14th inst. submitting copies of the instructions which you propose sending to Lieut.-Colonel By, for his guidance in the prosecution of the several works intrusted to him by his Grace the Master-General of the Ordnance, on the Report of the Commissioners of Royal Engineers.

Although the Commander of the Forces has not received the expected communication from His Majesty's Secretary of State, authorizing the important services alluded to, his Lordship will, nevertheless, sanction your proceeding with the arrangements for carrying into effect the orders of the Master-General and Board, as contained in the documents accompanying your letter of the 7th September.

To this end I have received his command to express his entire approbation of the instructions before mentioned, which, together with the documents accompanying them, as well as those with your letters of the 14th, 16th and 19th instant, I have had the honour to submit to his Lordship.

A communication will be made to Major-General Sir P. Maitland, agreeably to the desire expressed in your letter of the 14th, requesting his Lordship to afford every facility depending upon his authority, to the officer charged with the execution of the Rideau Canal in Upper Canada, so as to prevent him, or the person employed under him, from meeting with opposition or difficulties in the occupation of such ground as it may be necessary for them to enter upon, in making the requisite surveys, sections, &c.

I have, &c.

(signed)

H. C. Darling,

Mil^y Sec^y.

No. 34.—LETTER from R. W. Horton, Esq. to R. Byham, Esq.
&c. &c. &c.

SIR,

Downing-street, 31st Jan. 1827.

I HAVE laid before the Lord Bathurst your letter of the 15th inst. with the accompanying correspondence, relating to the work recommended by the Engineer Commissioners to be undertaken in the Canadas, and I am directed to acquaint you, for the information of his Grace the Master-General and Board of Ordnance, that his Lordship has instructed Lord Dalhousie to take the necessary steps for the purchase of the land required in Upper and Lower Canada for the line of the Canals.

I am, &c.

(signed)

R. W. Horton.

No. 35.—LETTER from Lieut.-Colonel By to General Mann, &c. &c. &c.

SIR,

Rideau Canal, 1st November 1827.

I HAVE the honour to transmit, for the information of his Lordship the Master-General and Right Honourable and honourable Board, my Report and Estimate, with Plans of the various works indispensably necessary to form a Navigable Communication with five feet depth of water from the Ottawa to Kingston; and although I have commenced the building of three locks agreeable to my instructions, on the same scale as those of the Grenville and La Chine Canal, yet as these Canals have nothing to do with the down trade of the country, as already explained in former letters, I cannot refrain from hoping, that when the Plans and Estimate are examined, and the nature of this Water Communication thoroughly understood, that I shall receive orders to construct the large lock of 150 feet long by fifty wide, with five feet depth of water; as these locks would pass steam-boats of sufficient size to navigate the lakes, and also the spars from 120 to 130 feet long required for the Royal Navy, which those of La Chine Canal cannot do, they being only 108 feet by twenty wide. I further beg to observe, that as the melting of the snow in the spring of the year rises the water in the Ottawa River from twenty-two to twenty-four feet perpendicular, and in the Rideau River from thirteen to fifteen feet, it is evident that these torrents must have washed away from the banks all substances that can be removed, and therefore the idea of the paddles of steam-boats injuring such banks is quite erroneous, particularly as the proposed Canal will only retain the water to the height of five feet.

Correspondence relative to the Canal Communication in Canada.

£. 474,844.

20 feet broad.
5 feet deep.
108 feet long.

The accompanying Plans will show the very little excavation required, and that being chiefly rock, there can be no part of the banks but what may be rendered perfectly secure from injury. His Excellency the Earl of Dalhousie, Commander of the Forces, having suggested the necessity of my sending an officer with my Plans and Estimate, to insure their arrival in time to lay before Parliament, I have ordered Lieutenant Pooley, Royal Engineers, to be the bearer of these Papers. He having been with me at the commencement of the work, and just returned with me from examining the various works on the whole line, can give the fullest information, and explain whatever I may in the hurry of business have omitted. Lieutenant Pooley is an excellent officer, and has shown great perseverance and zeal in this service. I further beg to state, that from the progress already made at the various works, I feel convinced that on the 12th of August 1830, I shall have completed this magnificent Water Communication from the Ottawa to Kingston; but to enable me to do this, I shall require about £. 100,000 each year for positive disbursements on the spot, and have marked on the Plan where the four Companies of Royal Sappers and Miners could be employed to great advantage, should I be favoured with the assistance of two more Companies, in addition to the two already arrived.

See PLAN, No. 5.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed) John By,

Lieut.-Colonel Roy^l Eng^r Com^d, Rideau Canal.

SECTION, No. 1.

| | £. | s. | d. | £. | s. | d. |
|--|--------|----|----|---------|----|----|
| Entrance Bay and Canal Valley, Ottawa river | 58,889 | 4 | 8 | | | |
| Works between the head of the eight Locks and } Dow's great Swamp | 15,880 | 17 | — | | | |
| - In Dow's great Swamp | 6,474 | 17 | 9 | | | |
| - From Dow's great Swamp to the Hog's Back | 21,017 | 3 | — | | | |
| - Hog's Back | 27,022 | 16 | 6 | | | |
| - From Hog's Back to Black Rapids | 366 | 12 | — | | | |
| - Black Rapids | 9,831 | 15 | 11 | | | |
| - Long-Island Rapids | 19,540 | 11 | — | | | |
| - Long-Island's Still Water | 650 | — | — | | | |
| - Contingent Expenses | 11,049 | 7 | 11 | | | |
| | | | | 170,723 | 5 | 9 |

| | | | | | | | |
|---------------------------------|---|---|----|---------|--------|----|-----------------|
| SECTION, No. 2. Burret's Rapids | - | - | - | - | 10,657 | 18 | — $\frac{1}{2}$ |
| - No. 3. Nicholson's Rapids | - | - | - | - | 9,996 | 6 | 2 |
| - No. 4. Clow's Quarry | - | - | - | - | 9,189 | — | 1 $\frac{1}{2}$ |
| - No. 5. Merrick's Rapids | - | - | - | - | 15,696 | 8 | 6 $\frac{1}{2}$ |
| Carried forward | - | - | £. | 216,262 | 18 | 7 | |

Correspondence
relative to the
Canal Communi-
cation in Canada.

| | | | | | | £. | s. | d. |
|-----------------------|---|---|---|---|---|------------|----|------------------|
| Brought forward - - - | | | | | | 216,262 | 18 | 7 |
| SECTION, No. 6. | Maitland's Rapids - | - | - | - | - | 5,242 | 14 | 8 $\frac{1}{2}$ |
| - | No. 7. Edmund's Rapids - | - | - | - | - | 6,868 | 1 | 1 |
| - | No. 8. Phillip's Bay - | - | - | - | - | 6,172 | - | 9 $\frac{1}{2}$ |
| - | No. 9. Old Sly's Rapids - | - | - | - | - | 10,768 | 10 | 10 $\frac{1}{2}$ |
| - | No. 10. Smith's Falls - | - | - | - | - | 18,193 | 7 | 7 $\frac{3}{4}$ |
| - | No. 11. First Rapids - | - | - | - | - | 10,165 | 15 | 4 $\frac{1}{2}$ |
| - | No. 12. Oliver's Ferry - | - | - | - | - | 100 | - | - |
| - | No. 13. Narrows Rideau Lake - | - | - | - | - | 409 | 10 | - |
| - | No. 14. Isthmus Rideau Lake - | - | - | - | - | 13,639 | 3 | - |
| - | No. 15. Isthmus Indian Lake - | - | - | - | - | 17,331 | 13 | 10 $\frac{1}{2}$ |
| - | No. 16. Davis' Rapids - | - | - | - | - | 8,417 | 16 | 7 $\frac{1}{2}$ |
| - | No. 17. Jones' Falls - | - | - | - | - | 34,154 | 15 | 2 $\frac{1}{2}$ |
| - | No. 18. Cranberry Marsh and Round Tail - | - | - | - | - | 1,409 | - | $\frac{1}{2}$ |
| - | No. 19. Brewer's Upper Mill - | - | - | - | - | 15,036 | 10 | 4 $\frac{1}{2}$ |
| - | No. 20. Brewer's Lower Mill - | - | - | - | - | 10,268 | 8 | $\frac{1}{2}$ |
| - | No. 21. Billidore's Rifts - | - | - | - | - | 10,872 | 2 | 5 $\frac{1}{2}$ |
| - | No. 22. Jack's Rifts - | - | - | - | - | 19,155 | 1 | 7 $\frac{3}{4}$ |
| - | No. 23. Kingston Mills - | - | - | - | - | 21,161 | 18 | 2 |
| | Contingent account - | - | - | - | - | 3,000 | - | - |
| | One-tenth of the whole amount of the Estimate - | - | - | - | - | 42,862 | 18 | 10 |
| | Barracks, hospital, &c. - | - | - | - | - | 3,351 | 14 | - |
| TOTAL EXPENSE - - - | | | | | | £. 474,844 | 1 | 2 $\frac{1}{2}$ |

No. 36.—LETTER from the Marquis of *Anglesey* to the Right honourable
W. Huskisson, &c. &c. &c.

SIR,

Uxbridge House, 26th Jan. 1828.

I ENCLOSE the copy of the Report of the Committee of Engineers which assembled to examine into the merits of the Plans and Estimates furnished by Lieut.-Colonel By, of the Royal Engineers, and of that adopted by the Commission of which Sir James Smyth was president. The Report of the Committee appears to be so full and explicit upon the several points to which their attention was directed, that it is unnecessary for me to make any observation, except that it should be understood that in the estimates and calculation of the expense of the Canal, there is no provision for superintendence. No exact sum can be stated, as it will depend upon the time the work will be in hand, as the expense will be proportionably lessened by the celerity with which the work can be carried on. The annual expense at present sanctioned is £. 3,850.

The suggestion of wooden locks thrown out by the Committee, is I think quite inadmissible; but I am by means of opinion that the consideration of the enlarged locks (perhaps not to the extent proposed by Lieut.-Colonel By) ought to be given up. On the contrary, I think it is a subject which ought to be fully discussed and considered in all its bearings, not only with reference to the defence of the country, but as connected with its trade and revenue.

Believe me, &c.

(signed)

Anglesey.

No. 37.—LETTER from Major-General *Bryce* to General *Mann*,
&c. &c. &c.

SIR,

84, Pall Mall, 23d Jan. 1828.

I HAVE the honour of submitting herewith the Report of the Committee of Engineers, of which I am President, on the Rideau Navigation, conformably with your orders of the 4th inst.

It will be observed, that Major-General Sir James Smyth has expressed his dissent from the rest of the Committee on Lieut.-Colonel By's proposition for enlarging the locks.

Lest the observations of Sir James Smyth, on the question of enlarged locks on the Rideau Canal, should lead to an erroneous view of the opinion of the remaining Members of the Committee, it is thought necessary by them to observe, that they have not, nor did they intend to recommend the adoption of wooden locks in preference

ference to stone, but have merely stated, that should imperative financial considerations render the adoption of wooden locks at present expedient, the measure would be attended with the incidental convenience of affording an opportunity hereafter of adopting whatever size of lock should be then best adapted to existing circumstances; and the remaining Members of the Committee have also to observe, that they did not conceive themselves called on by their instructions to offer any opinion regarding the annual expenditure to be made on this Navigation during its progress.

Correspondence
relative to the
Canal Communi-
cation in Canada.

I have, &c.

(signed) Alex. Bryce,
M^r-Gen^l and President.

No. 38.—REPORT of the COMMITTEE of ENGINEERS on the Plans and Estimates for the construction of the Rideau Canal.

SIR,

84, Pall Mall, 22 Jan. 1828.

IN obedience to your orders of the 4th instant, we have carefully examined the Plans and Estimates for the construction of the Rideau Canal in Upper Canada, together with the several documents on the subject, which have been laid before us; and having also obtained such other information within our reach as we deemed expedient, we now respectfully submit our Report, commencing with the first head of our instructions, by which we are required, "To give our opinion upon the Plan proposed by Lieut.-Colonel By, of effecting the Water Communication from the Ottawa to Kingston, in all its details," especially as to the practicability, economy and safety of the dams, which the Lieut.-Colonel proposes throwing across the River, and thus rendering the small falls into still water.

The general tracing of the Water Communication between the Ottawa River and Kingston, adopted by Lieut.-Colonel By, is that which appears to have been contemplated by the Commission of Engineers, of which a survey and estimate had been prepared by Mr. Clowes (a civil engineer) for the Legislature of Upper Canada; the only material variation in the two lines appears to be near the entrance on the Ottawa, which Lieut.-Colonel By proposes to form above the mouth of the Rideau River, whilst the civil engineer proposed the entrance below.

The reasons Lieut.-Colonel By has given for preferring the entrance above appear to us well founded, as the small bay in which he has placed the entrance is better sheltered than it would be below; the ascent from the Ottawa to the Rideau is easier, being partly through a ravine, and the distance is somewhat shorter; there is also a difference in the direction of the two lines between Barrel's Rapids and Merrick's Mills, where Mr. Clowes has proposed to carry his Canal through six miles and a half of cultivated land, whilst Lieut.-Colonel By carries his Canal on the opposite bank of the river for one mile and a half, where the land is waste; for the remainder of the distance he proposes raising the water in the river by dams, by which means he will avoid the purchase of much valuable land (but which is not estimated by Mr. Clowes) and very considerable cutting in rock, and we therefore think that Lieut.-Colonel By's line here is the preferable; and also being by comparison of the two estimates, the most economical. These observations are all that seem to us necessary to be made in this plan, on the proposed trace of Lieut.-Colonel By's line of communication.

With regard to the dams proposed by Lieut.-Colonel By for raising the water in the rapids, to render the Rideau navigable, we would observe that this is by no means a novel expedient, having been much practised both in the old and new hemispheres, under the more usual denomination of waste weirs; the principle and use however is the same, but we have not learnt that any have been constructed so high as Lieut.-Colonel By has proposed at the Hog's Back, and at Jone's Falls, those being 45 feet and 48 respectively, The Americans have one of 28 feet in height on the upper part of the Hudson, above Albany, where the river is from 250 to 300 yards wide, which is about twice the width of the Rideau, where Lieut.-Col. By's first dam is proposed; Mr. Clowes also, in his project, has availed himself of the use of waste weirs or dams to raise the water on the rapids, though he has not carried this expedient to the same extent as Lieut.-Colonel By, the former having only 10 dams across the river, varying from three to seven feet in height, whilst Lieut.-Colonel By has 20 of different heights, from eight feet to 48. As a general

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principle there does not appear to us to be any objection to the use of high dams, which is not also applicable to low, both obstructing the navigation of the river (and there are already existing several mill-dams on the Rideau), but the failure of a high dam would occasion so much expense in its repair, and so long an interruption to the navigation, that we think they should only be used where local circumstances render it absolutely necessary, more especially as two low dams may in most cases be made to produce the effect of one high one, and would be cheaper in the construction.

Of the two highest dams Lieut.-Colonel By has proposed, one is across the Rideau at the Hog's Back, which is 45 feet high and 400 feet in length, the second at Jones' Falls on the Cataraqui, which is 48 feet in height and 140 feet in length; the sites are near quarries from which the stone to be used in their construction may be easily conveyed. The banks of the river are favourable, and their construction enables him to place the necessary locks together, instead of in two or more divisions, which would lead to additional expense in the number of lock keepers, quarters, &c.

As every thing depends on these high dams being so constructed as to resist the great pressure of water to which they would be subjected, we have attentively considered the two sections which Lieut.-Colonel By has proposed for these two dams, which differ considerably in their proportions; and we decidedly prefer the second design, which we recommend to be adopted, also (with the requisite modification for the difference in height) at the Hog's Back.

We learn from Lieut. Pooley, that the dam at the Hog's Back was begun before he left the country, and would probably be raised to the height of 10 or 12 feet before the winter sets in, which will afford grounds for forming an opinion as to the ultimate success. Should any doubt arise, we would recommend that the dam should be finished only to half the proposed height, and a second dam formed, where necessary, in advance, or recourse had to cutting. This of course would occasion an alteration in the disposition of the locks, as it would be necessary to advance a corresponding portion of them, and in the case of the Hog's Back, a little additional expense in forming fresh excavations for the locks to be so advanced; and here we would also recommend that the upper portion of locks at this point should not be commenced until the dam was carried to the intended height (whatever that may ultimately be), and no reason seen to doubt its durability.

We are of opinion that means will be obtained to float timber over the dams without injury, and we are informed that the right to all the rivers in Upper Canada is specially reserved to the Crown, with a way or communication on both banks; should this opinion and information prove correct, no well-grounded cause of complaint against the dams would exist.

With regard to the expense of the dams proposed by Lieut.-Colonel By, as compared with the cutting of a Canal to attain the same object, we are not possessed of sufficient information, as Lieut.-Colonel By, though he has given in each instance the length of cutting to be saved, has not given the depth of cutting, nor more than a general description of the nature of the ground, neither has Mr. Clowes given any sections of this cutting in these parts; but having well considered the information and data we could obtain as to the comparative economy of each, we are induced to believe it will preponderate in favour of dams. It would no doubt be satisfactory, before proceeding with more than those dams now in progress, to have a calculation of the expense of cutting at each point where dams are proposed in lieu thereof, founded on sections of the ground, and of borings to ascertain its nature.

We come now to the second head of our Instructions :

" To give an opinion and report upon the amount and upon all the details of expense of the Estimate transmitted by Lieut.-Colonel By, and whether any less expensive mode of effecting the object in view can be devised."

For the above purpose we have very carefully examined and analyzed every part of Lieut.-Colonel By's estimate that would be compared with the surveys of the ground, and the designs he has furnished for the various works, and though there are some considerable differences in various items between our calculations and Lieut.-Colonel By's, sometimes in excess and at others in diminution, we consider the estimate on the whole to have been formed with much care and accuracy.

We

We have drawn out in Paper (A.) which accompanies this Report, a list of those items where we were enabled to enter into a comparison, and in which our calculations differ from the estimate either in excess or diminution, by which it will be seen that our calculation is on all these items £.7,607. 1. 11. less than Lieut.-Colonel By's; but as the principal discrepancies are found in the cuttings and embankments, where we frequently have not sufficiently numerous sections to show all the accidents of the ground, we would not recommend this difference to be deducted from the amount of the estimate.

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We have carefully examined the design for the locks on which Lieut.-Colonel By's estimate is grounded, which seem in general to be judiciously and carefully formed; but observing that the side walls of the eleven locks contracted for, which are on an average 18 feet in height, are proposed to be six feet six inches thick at top and eight feet at bottom, and although we are aware that these walls will necessarily have to support the pressure of the earth whilst in a green state, and that allowance must also be made for the effect of severe frost on the masonry, still we are induced to be of opinion, that a reduction of one foot in the thickness of these walls might safely be made, which could create a saving of one-eighth of the masonry of these locks. We have no sections of the remaining locks to enable us to decide if their side walls will admit of similar diminution of thickness; but we are led to think, from the quantity of masonry in the different items of the estimate, that such will be found to be the case; and we recommend this important point for consideration on the spot, with a Report, accompanied by the fullest documents necessary for its decision.

With regard to that part of our instructions wherein we are required "To report whether any less expensive mode of effecting the objects in view can be devised," we are unable to point out decidedly any reduction, except that which might arise from lessening the thickness of his side walls, on which we hope that a saving to a considerable amount may be effected, together with a saving of about £.9,000, which we are of opinion might be made in the items of the estimate, for cutting a straight channel for the Cataraqui River, through the marsh above Kingston, as it appears that the navigation here might be sufficiently improved for present purposes, by cutting off some of the principal elbows of the river, although a little time will be lost in the longer channel; and here it should be observed, that we cannot suggest any alterations, in consequence of the judicious arrangements of Lieut.-Colonel By, planning that his heaviest works, as far as hitherto designed, should be so placed as to have stone near at hand; that he has obtained contracts by public competition for the first eleven locks, and the other constructions of masonry at the entrance of the Canal, not exceeding 1 s. 1½ d. per cubic foot, which is about one-fifth less than the estimated price.

Now, although there may be some grounds for apprehending, that as the works advance into the unsettled and little explored parts of the line, the expense of procuring provisions for the workmen, and transporting of materials may occasion an increase of the contract prices, yet we have reason to hope that by a continuance of the preparatory measures above described, the prices will be but little augmented, and may, in cases where quarries are very favourably situated, be even diminished. We therefore think that although Lieut.-Colonel By may have been right in estimating the masonry at his valuation of 1 s. 5 d. per cubic foot, the average of the contract prices may be expected not to exceed 1 s. 2 d., and a saving in the execution of one-sixth of the estimate for masonry be expected under the head of price.

The prices in Lieut.-Colonel By's estimate for digging in the various kinds of soil, and in rock, and for clearing ground, fences, bridges, &c. appear to us, on the whole, to be moderate; that at £.15. 15. per acre for grubbing (the total of which amounts to £.3,038. 18. 6.) appeared at first sight to be very high, but on considering the nature of the work, and the care with which it must be done, we were less surprised to learn that the lowest tender received by the Commissary General, at public competition, for this service, amounted to the sum stated in the estimate.

This seems to be the proper stage of our Report for offering some remarks on the plan and estimate of Mr. Clowes, the civil engineer, for this navigation, and which we apprehend we are called upon to consider in the first article of your instructions.

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No general plan, or particular places of locks or other works, are furnished by Mr. Clowes, nor any prices for his masonry or carpenters' work, nor any sections or borings to ascertain the nature of the soil, and extent of his cuttings in earth and rock; a gross sum or quantity is taken for each as they occur on his line, but from what we have already shown, we do not think the lockage can be executed in a more economical manner than that which we have suggested, and which will be about as much as the total of Mr. Clowes's estimate for the whole navigation, and which conclusion we are confirmed in by the much greater proportionate expenditure on the La Chine Canal. With regard to the estimate for cutting 25 miles of canal, which he proposes to form, as we have no sections or borings of the ground, we cannot speak decidedly; but there seems reason for concluding that the quantities and nature of the cuttings are greatly under-rated. Mr. Clowes also has omitted in his estimate to provide for many services absolutely necessary in the execution of his project, besides the total omission of any per-centage for contingencies, which, in Lieut.-Colonel By's estimate amount, at the usual rate of one-tenth, to £.42,862. 18. 10.

On the whole we are of opinion, that after allowing Mr. Clowes much credit for skill and industry in exploring and marking the best general line for effecting this Water Communication, under many difficulties occasioned by the state of the country, and with probably little professional assistance, his estimate for executing the necessary work is quite inadequate, and with his report, are rather calculated to show the practicability of the measure, than to give an accurate calculation of the expense of effecting it. This conclusion, we think, will appear well founded, on a careful consideration of the numerous plans, prepared with great labour and attention by Lieut.-Colonel By, and his officers, and which were all necessary before any satisfactory design or estimate for the Canal could have been made. The only item in Lieut.-Colonel By's estimate, of the necessity of which we are not yet sufficiently informed, is the construction of a bridge (at the expense of nearly £.3,000) across the Ottawa, in the vicinity of the entrance and principal works on the Canal. The motive is stated to have been to induce the contractors to undertake the works on lower terms than they otherwise would have done, by opening an easy communication with the only settlement in that part of the country, from which their supplies of provisions, and many articles of materials, could be obtained at less expense than otherwise would have been incurred; and it seems not unreasonable to conclude, that the measure has had the effect of lowering the contract prices considerably. But a full report in all its bearings on this subject seems required, embracing also the consideration of the means of making the bridge repay part of its expense, by levying a toll on all passengers and materials, excepting those employed on the Canal.

On the question, whether a less expensive mode of effecting this navigation can be devised? we have already stated all the saving which we think can with safety be made, in Lieut.-Colonel By's Plan; but a mode might be found of keeping down the present expense of the undertaking (though it certainly would not be ultimately economical), by executing those locks of the Canal not yet begun, in wood instead of masonry. Eleven locks in masonry are understood to be in progress; the remaining thirty-six might therefore be of wood. We cannot in this country calculate with much accuracy the expense of this construction, but see reason to believe, from the best information we can procure of the prices of timber and workmanship in Canada, that the expense would not exceed one-third that of masonry. We are of opinion, however, that nothing but weighty financial considerations would sanction the adoption of wooden locks, which could only be considered a temporary expedient.

On the question of the docks of enlarged dimensions, proposed by Lieut.-Colonel By, on which we are, by the third head of our instructions, desired to report; the Lieut.-Colonel has suggested the considerable advantage, as regards both commerce and military operations, which would accrue from enlarging the locks of the Rideau Navigation from 20 to 50 feet, leaving the depth as at present, five feet. This, he says, could be effected at an expense of £. 50,000, to which has to be added about £. 3,000 for widening the locks already begun. We do not, however, see any immediate advantage likely to be derived from this partial measure, sufficient to justify the expense above stated; but, should well-grounded reasons exist for expecting that at a future period an extended steam navigation from Lake Ontario to Quebec may not be beyond the financial means of the two countries to execute,

then we think this proposition of Lieut.-Colonel By's deserving of consideration; as we are of opinion, that a general steam communication would be attended with great military advantages, and we apprehend if the whole line of the Rideau Canal should now be executed with twenty feet locks in masonry, this would in all probability preclude that enlargement hereafter, which would render the large steam-boats of the St. Lawrence available for Lake Ontario and the Ottawa. And here we may observe, that the expedient we suggested for effecting a present saving, by executing the remaining twenty feet locks in wood, would also have the advantage of leaving open for future decision this important question of the enlarged steam navigation, as the construction of thirty-six locks could only be temporary, to be replaced hereafter by locks in stone, of whatever dimensions should then be found most eligible.

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The following Statement shows what we suppose would be the expense of the different contractions previously considered.

Lieut.-Colonel By's Estimate for the Rideau Communication; locks in
stone - - - - - £.474,844. 1. 2 $\frac{1}{2}$.

Ditto - modified by this Committee, and the cost of the masonry reduced
to the price already contracted for - - - £.407,531. 4. 3 $\frac{1}{2}$.

Ditto - if the remaining 36 locks be executed in wood, £.330,118. 7. 2 $\frac{1}{2}$.

In obedience to the last article of our instructions, to report whether Lieut.-Colonel By has not "lost sight entirely of the plan and estimate for the work, having the same object in view which the late Master-General and Board contemplated, when they ordered Lieut.-Colonel By to execute the service, viz. the plan and estimate framed by a civil engineer in the country, and in an addition of £.24,000 sterling, by the committee of engineers, of which Sir James Smyth was president, being to provide £.500. in addition for each lock, in order to make them of the same size with those of the La Chine Canal, but that he has not distinctly reported that he has done so, much less accounted for his doing so, excepting verbally through Lieutenant Pooley; and whether Lieut.-Colonel By, was not repeatedly referred to those plans and estimates, and positively ordered to adhere to them,"—We have to state, that Lieut.-Colonel By appears to have adhered generally to the line of country pointed out in his instructions, but has deviated from the tracing intended by the civil engineer's estimate, to which he was referred, in the places already mentioned, in all which the Lieut.-Colonel appears to have been guided by a desire to effect the object in the most judicious and beneficial manner. We also find, that he has strictly followed the dimensions of the Canal and locks which were proposed by the Commission of Engineers, and ordered by the Master-General to be executed. With respect to the estimate framed by the civil engineer, and augmented by the sum of £.24,000 by the Commission of Engineers, we are of opinion that Lieut.-Colonel By did not lose sight of it; as he reported, on the 6th December 1826, "That he had great doubt whether the work could be performed for £.169,000; but that he could not venture to give a decided opinion on the subject, until he had well examined the whole line." We have already offered our opinion on the inadequacy of that amount, and it does not appear to us that detailed estimates founded on accurate measurements and levels could be prepared and transmitted until the second summer.

The documents referred for our consideration, are returned with this Report.

We have, &c.

(signed) *Alexander Bryce, M. Gen^l, Pres^t.*
John T. Jones, Colonel.
Edward Fanshawe, L^t Col. Roy^l Eng^s.

THERE is one subject in this Report in which, from local knowledge, I cannot agree with the other members of the Committee, and that is, relative to the adoption of wooden locks upon the thirty-six remaining locks of the Rideau Canal, upon the principle of leaving open the question of, whether the locks are to be employed, or to continue at twenty feet in breadth, for future discussion.

The augmentation of the Rideau locks, without the whole series of Canals and locks from Montreal to the Rideau were similarly enlarged, would afford no military advantage whatever; and the idea of making an uninterrupted steam navigation

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from the St. Lawrence, by either the north or south sides of Montreal Island, the Ottawa and the Rideau, appears to me too gigantic and expensive an undertaking even seriously to be thought of. I would certainly prefer going on upon our present plan, with locks and masonry of the present dimensions, at whatever rate of yearly expenditure it may be convenient to His Majesty's Government to allow, having recourse only to the wooden locks in the event of the probability of hostilities rendering the early completion of the work necessary.

(signed) *J. Carmichael Smyth*, M. Gen^l.

January 22d, 1828.

No. 39.—LETTER from *R. W. Hay*, Esq. to *R. Byham*, Esq.
&c. &c. &c.

SIR,

Downing-street, 25th Feb. 1828.

WITH reference to my letter of this day's date, transmitting the copy of an Order of the Committee of the House of Commons, for information relative to the public works, projected or begun in the Canadas, I am directed by Mr. Secretary Huskisson to acquaint you, for the information of the Master General and Board of Ordnance, that it is his intention to submit to Parliament an Estimate for the sum of £.41,000, on account of the Rideau Canal, without pledging Government as to the amount to be required for this service another year; and he will also submit an Estimate for £.15,000 on account of the Grenville Canal, and Châte à Blondeau, Carillon and St. Ann's Rapids.

I am, &c.

(signed) *R. W. Hay*.

No. 40.—LETTER from the Right Hon. *W. Huskisson* to the
Master General of the Ordnance, &c. &c. &c.

MY LORD,

Downing-street, 14th March 1828.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 21st ult. referring to two letters which had been addressed to me by your predecessor, on the subject of the Water Communication in Canada, and the proposed Military Works for the defence of Kingston.

Having attentively perused the Report of the Committee of Engineers, appointed to examine into the merits of the Plans and Estimates furnished by Lieut.-Colonel By, and that adopted by the Commission, of which Sir James Smyth was President; I do not concur in the opinion of that officer, that no advantage is likely to result from enlarging the locks of the Rideau Canal, without the whole series of locks on the Water Communication from Montreal to Kingston was similarly enlarged. It appears to me, that very considerable military and commercial advantages would accrue from enlarging the locks of the Rideau Navigation from twenty to fifty feet and if the Committee shall concur in the opinion of Lieut.-Colonel By, that this important object can be effected at an additional expense of £.50,000, with a further charge of £.3,000 for widening the locks already begun, it will, I think, be advisable to leave to their discretion to authorize Lieut.-Colonel By to proceed with the construction of the locks, either to the increased dimension of fifty feet, or of any intermediate size between twenty and fifty, which may appear to them more expedient.

With regard to the amount of annual expenditure to be incurred on this work I propose to defer coming to any decision, until the Report of the Board of Officers who are to investigate the subject in Canada, has been received, and submitted to the consideration of His Majesty's Government; and it is therefore intended to confine the Estimate for 1828 to the same amount which was voted by Parliament last year.

On the subject of the Works at Kingston, I will avail myself of an early opportunity of expressing my opinion in a separate letter.

I have, &c.

(signed) *W. Huskisson*.

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No. 41.—LETTER from Lord *Beresford* to the Right Hon. *William Huskisson*,
&c. &c. &c.

SIR,

Office of Ordnance, 17th March 1828.

I HAVE had the honour to receive your letter of the 14th instant, and in consequence I propose sending immediately to Canada Lieut.-Colonels Fanshawe and Lewis, of the Royal Engineers, to be members of the Commission, of which Lieut.-General Sir James Kempt is to be the President: I will therefore request of you to favour me with a copy of the Instructions you propose giving to that officer, whom I conclude you will order to proceed from Halifax to Canada without delay; and it may be well to inform him, that the two officers named with him to form the Commission go from hence *via* Liverpool to New York, as at this season of the year the most expeditious route to arrive at their destination in Canada.

Adverting to that part of your letter which limits the expenditure on the construction of the Rideau Canal to the same amount as was voted by Parliament for the last year, I beg to call your attention to a Report from Lieut.-Colonel By, which has come to me since I received your letter, and which I annex hereto. By this you will see, that Lieut.-Colonel By could not have been made acquainted with the intended limitation of expenditure for this year in sufficient time to prevent his making the contracts he therein communicates to have been completed; those contracts having been made, and the contractors in all probability having made their arrangements, and even commenced operations, we can only be liberated from those engagements (I speak of those made 1st February last) by very onerous concessions, which would be a dead loss; and you will see that the contracts formerly made are in full execution, and that on these the expenses from 1st November 1827 to 22d January 1828 (less than three months) is £.28,614. 7. 2., and these apparently not the best months for working. The expenses on the new contracts must be added to this, when you will see how little way the £.41,000 you propose this year will go towards defraying the now inevitable expenses, whatever may be determined on, that is, whether you stop those contracts or go on with them. In short, it is obvious that Lieut.-Colonel By has laid down work for this year that will take about a third of the sum he estimated for the whole, or about £.140,000. (taking into consideration what has been already expended), as the contracts go to complete the whole in three years from January last.

(A.)

There is certainly no time to be lost in coming to a decision on this important question.

I have, &c.

(signed) *Beresford*.

No. 42.—LETTER from the Right Hon. *W. Huskisson* to Lord *Beresford*,
&c. &c. &c.

MY LORD,

Downing-street, 26th March 1828.

I HAVE received your letter of the 17th instant, announcing your intention of sending to Canada Lieut.-Colonels Fanshawe and Lewis, of the Royal Engineers, to be employed as members of the Commission of which Sir James Kempt is to be President.

I am happy to find that no time will be lost in dispatching these officers to their destination; and I enclose, for your information, a copy of the Instructions which it is proposed to send out by the next packet to Lieut.-General Sir James Kempt, whose zeal and activity will no doubt lead him to repair, with as little delay as possible, to the appointed place of rendezvous.

25 March 1828.

The Report on the Rideau Canal which your Lordship has transmitted, proves clearly, that the completion of that important work, upon a scale of sufficient magnitude to render it available for the objects in view, cannot be carried into effect without a greater outlay than was at first anticipated, and that the original Survey and Report of the Civil Engineer employed in Canada were either founded on very erroneous notions of the difficulty and expense of the undertaking, or, as it has since been intimated, made out from the reprehensible motive of endeavouring to benefit the Colony, by embarking His Majesty's Government in this undertaking, upon the faith of an estimate which the author of it considered to be fallacious and inadequate.

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quate. Although I cannot but regret that Lieut.-Colonel By should have felt himself at liberty, before his increased Estimates had been considered and approved by the Board of Ordnance, to conclude contracts for carrying on the work on the present very extensive scale, and have entered into engagements involving so large an expenditure of the public money, without waiting for specific authority from the department at home; yet so many reasons appear to combine in favour of the plan of Water Communication, which he has recommended, that I am not disposed to withhold the sanction of the Government to the prosecution of the work, on the scale recommended by him, provided the Commission to be employed in the investigation of this subject should, after careful survey and examination, concur in the expediency of the measures proposed, and in the steps which have been taken by Lieut.-Colonel By, for the furtherance of this great work.

It is the opinion of all those in this country who are most competent to decide upon such matters, that the national advantages which are held out by adapting the Canal to the reception of steam boats, which can only be done by increasing the dimensions of the locks, will far counterbalance the additional expense to be incurred for this object, and, both in a military and commercial point of view, the facility of communication which will be afforded by the introduction of vessels not dependent for their progress upon the ordinary process of towing from the banks (a practice indeed which, in many parts of the line, could not be resorted to), is so important a consideration, as would alone fully justify the increased expenditure for the locks; and I am therefore desirous that your Lordship should call the particular attention of the engineer officers to Lieut.-Colonel By's suggestion, that the locks should be constructed of the increased dimensions of fifty feet; and if they concur with him in opinion that this object can be effected for an additional expense of £. 50,000, and £. 3,000 (or no material increase to that sum) for the alteration of the locks already in progress, that they should authorize Lieut.-Colonel By to proceed in the construction of the locks, either of the dimensions of fifty feet, or of any intermediate size, as stated in my letter of the 14th instant.

£. 527,844.
£. 46,000.
£. 481,844.
£. 140,000.
£. 41,000.

£. 120,000.
£. 100,000.

£. 61,000.
£. 46,000.
£. 15,000.

The expense of the undertaking, as now estimated by Lieut.-Colonel By, amounts to £. 527,844, of which, as only £. 46,000 has already been voted in the years 1826 and 1827, £. 481,844 remains to be provided for. It is evident, therefore, that the sum which your Lordship proposes should be applied for this year, viz. £. 140,000; instead of £. 41,000, as originally intended, will not be at a sufficient rate to complete the work within the next three years, as was at first contemplated. I do not, however, propose to apply to Parliament this year for a larger sum in the whole than £. 120,000. I understand that £. 100,000 will cover all the contracts into which Lieut.-Colonel By has entered, and which must either be continued, or given up at a very heavy pecuniary loss; and it appears that up to December 1827, the sum of £. 61,000 has been expended on the work, although £. 46,000 only has been voted by Parliament, leaving a deficiency of £. 15,000 to be provided for. It will be a matter for future consideration, in what annual proportion application shall be made to Parliament hereafter for the sum required to complete the undertaking.

In framing the instructions which it will be necessary for you to issue for the guidance of the engineer officers whom you have selected for this duty, you will, of course, take care fully to impress upon their minds the importance of the object for which they are sent out, both as regards future defence and facility of communication, points so nearly connected with the safety and prosperity of His Majesty's Canadian possessions, and also as regards the unexpected increase to the original Estimate, into which it is proper that the most complete investigation should take place on the spot by persons competent to judge in such matters. You will for this purpose instruct Lieut.-Colonels Fanshawe and Lewis, on their arrival at Montreal, to enter on a most careful examination of the Plans and Estimates sent home by Lieut.-Colonel By, as compared with those of others who have been employed in conjunction with him, with a view to ascertaining how far they have been suggested and prepared with a proper regard to the great interests of the colony, to the local circumstances of the country, and, above all, with a due attention to that economy of the public money, which is in all cases so necessary, but especially in the prosecution of works of so expensive a character.

These are the chief points upon which, as far as I am competent to offer an opinion, it will be necessary for your Lordship to instruct the officers who are destined

destined for this service, upon all matters of professional detail : it will be for your department to issue such instructions as may be considered expedient, with a view to the more complete fulfilment of the important object in view.

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I have, &c.

(signed) *W. Huskisson.*

No. 43.—COPY of INSTRUCTIONS for the COMMITTEE appointed to assemble in *Canada* upon matters relating to the *Rideau* Canal.

84, Pall Mall, 27th March 1828.

1.—THE Committee will personally examine and consider upon the spot the Plan and Estimate, amounting to £. 474,844, as prepared by Lieut.-Colonel By, in all its details; and if they find that it is practicable and calculated to give at all times a secure Water Communication between the Ottawa and Kingston, when the waters shall be open, and that it has been prepared with a proper regard to the great interest of the colony, to the local circumstances of the country, and, above all, with a due attention to that economy of the public money which is in all cases so necessary, especially in the prosecution of works of so expensive a character; they will authorize him to continue to execute his plan, laying out upon the work a sum not exceeding £. 105,000 in the course of 1828, exclusive of the expenditure already incurred, which Lieut.-Colonel By has reported to be £. 61,000 to the end of last year.

2.—The Committee to pay particular attention to the detail of the contracts entered into by Lieut.-Colonel By, and to ascertain whether the bridges, roads and other expensive works constructed by Lieut.-Colonel By, are of importance, and have been, and are likely to be, of use in lowering prices in the negotiation and conclusion of the contracts already entered into, and those which may be entered into hereafter.

3.—The Committee will also report upon the mode in which the public money has been expended, with a view to the most economical completion of the work, consistent with its effectiveness and durability.

4.—As very considerable military and commercial advantages will accrue by adapting the Canal to the reception of steam-boats, which can only be done by increasing the dimensions of the locks, the Committee are authorized, if they concur with Lieut.-Colonel By, that the locks can be enlarged from 20 to 50 feet in breadth, and 150 feet in length, and that this important object can be effected for an additional expense of £. 50,000, with a further charge of £. 3,000 for widening the locks already begun, (or no material increase to those sums); they will authorize Lieut.-Colonel By to proceed with the construction of the locks to those dimensions, but not to exceed the proposed expenditure for 1828.

5.—The Committee are furnished with Copies of the following Documents for their information and guidance :

1. Copy of the Report of the Committee which assembled in England upon Lieut.-Colonel By's Plan and Estimate.
2. Mr. Clowe's printed Estimate.
3. Plan of the Locks as proposed by Lieut.-Colonel By.
4. General Plan of the Line of the Canal as proposed by Lieutenant-Colonel By.
5. General Plan of the Line of the Canal as proposed by Mr. Clowes.
6. Copy of Lieut.-Colonel By's Estimate for the Canal, amounting to £. 474,844.
7. Copy of Lieut.-Colonel By's last Report.

6.—With reference to the fourth paragraph, the Committee, although they will at the present abide by the Plan laid down, with the addition of the fifty feet locks, if approved by them, will nevertheless hold in view, that at some future period the Canal may be deepened or widened, so as to allow vessels drawing seven or eight feet water to navigate.

By order of the Master General and Board,

(signed) *R. Byham, Secretary.*

H

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 44.—LETTER from *R. W. Hay*, Esq., to *G. R. Dawson*, Esq.

&c. &c. &c.

SIR,

Downing-street, 9th April 1828.

No. 41.—17 March.

I AM directed by Mr. Secretary Huskisson to transmit to you an extract of a letter from the Master General of the Ordnance, stating, that by accounts recently received from Lieut.-Colonel By, the officer who is employed in constructing the Rideau Canal, it appears that he has entered into very extensive contracts for work to be completed in the present year; and that the Estimate of £. 41,000, which has been submitted to Parliament for this service, would be altogether inadequate to meet the engagements into which Lieut.-Colonel By has entered. Under the circumstances, therefore, which are stated by Lord Beresford, Mr. Huskisson requests that you will submit to the consideration of the Lords Commissioners of the Treasury the propriety of applying to Parliament for a Grant of £. 120,000 on account of the Rideau Canal in the present year; and if their Lordships concur in this opinion, Mr. Huskisson will direct a Supplementary Estimate to be prepared for an additional sum of £. 79,000 for this service.

I am, &c.

(signed) *R. W. Hay*.

[For the Extract referred to in this Letter, see that part of Lord Beresford's Letter of 17th March 1828, marked (A.) in margin; page 51.]

No. 45.—TREASURY MINUTE, authorizing additional Estimate for Works on *Rideau Canal*.

Copy of Treasury Minute, dated 27th June 1828.

MY LORDS read the Letter of Mr. Hay of the 9th of April, in which he states, by desire of the Secretary of State for the Colonial Department, that upon communication with the Master General of the Ordnance, he has found, that such extensive contracts have been made by Lieut.-Colonel By, in Canada, for work in constructing the Rideau Canal, that the Estimate of £. 41,000, which has been submitted to Parliament for this service for 1828, would be altogether inadequate to meet the engagements into which Lieut.-Colonel By had entered, at a time when he could not have been made acquainted with the intended limitation of the expenditure for this year; and upon which grounds the Secretary of State recommends, that an additional Estimate should be submitted to Parliament during the present Session, in order to procure a Grant of £. 120,000 for this service, which it is calculated will be sufficient to meet the expenditure which will be incurred under the engagements made by Lieut.-Colonel By.

My Lords have before them the Estimate which has already been submitted to Parliament during the present Session, the amount of which is £. 41,000.

My Lords, under the circumstances stated by the Secretary of State, are of opinion, that it will be proper to propose to Parliament a Grant during the present Session of £. 120,000 for this service for the year 1828.

Let an Estimate for £. 120,000 be prepared and submitted to Parliament, together with copies of the Papers on which My Lords have been pleased to make this order. My Lords will propose the Grant of £. 120,000 upon the Estimate now submitted.

Acquaint Mr. Hay, for the information of the Secretary of State, with the directions given.

No. 46.—DESPATCH from Lieut.-General Sir *James Kempt* to the
Right Hon. *William Huskisson*, &c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

SIR,

Kingston, Upper Canada, June 28, 1828.

YOUR confidential communication of the 5th of January last (received on the 3d of March) having apprized me that a call would shortly be made upon me to proceed to Canada, to act as President of a Commission to be assembled in that country upon matters relating to the Rideau Canal, I had the honour of replying to that communication on the 14th of March, and of acknowledging on the 14th of May the receipt of your official despatches of the 6th and 25th of March, informing you at the same time that it was my intention to embark for Canada the moment the navigation of the St. Lawrence was sufficiently open, to meet Lieut.-Colonels Fanshawe and Lewis, the other members of the Commission, of which you had been pleased to appoint me the President.

Fogs, contrary winds, and an unusually backward season, prevented my reaching Quebec before the 12th of June, and I proceeded to Montreal on the following day, where I found Lieut.-Colonels Fanshawe and Lewis, they having previously arrived from England by the way of New York.

I naturally expected to have received from you detailed Instructions for the guidance of the Commission of which you were pleased to nominate me the President; and although no such instructions accompanied your despatch of the 25th March, yet I entertained no doubt of their having been prepared, and that it was your intention to furnish me with them, having observed in your letter to Lord Beresford (a copy of which you sent me) the following paragraph:

"I enclose, for your information, a copy of the Instructions which it is proposed to send out by the next packet to Lieut.-General Sir James Kempt."

On my mentioning to Lieut.-Colonels Fanshawe and Lewis that I had not received any specific instructions from you for the guidance of the Commission, the former officer put into my hands a letter addressed to himself by the acting Brigade-Major of the Royal Engineers in London, accompanied by two Papers, signed by the Secretary of the Board of Ordnance, headed, "Instructions for the Committee appointed to assemble in Canada upon matters relating to the Rideau Canal;" and, that the public service might not be impeded by any scrupulous adherence to forms on my part, I did not hesitate a moment, in the absence of instructions from you, to act upon those which Lieut.-Colonel Fanshawe had received from the Board of Ordnance.

The Committee accordingly proceeded to a personal examination upon the spot of the Plans and Estimates prepared by Lieut.-Colonel By, and of the Contracts entered into; and having accomplished this, and gone over the whole line of the intended navigation, minutely inspecting the works in progress at the different stations, I have the honour to transmit to you the enclosed Report, which I hope may prove satisfactory to you.

In the Instructions which Lieut.-Colonel Fanshawe received from the Board of Ordnance, the Committee are directed to report upon other matters unconnected with the subject of the Rideau Canal; but, conceiving my mission to this country to be confined to this great undertaking, and my presence being urgently required in my own government, it is my intention to return to Nova Scotia without delay.

I have, however, put Lieut.-Colonels Fanshawe and Lewis in possession of my sentiments on several points, which they will report upon to the Board of Ordnance; and they will be able, I feel persuaded, when they return to England, personally to afford the most satisfactory information on every subject referred to them.

I have the honour to be, Sir,

Your most obedient, humble Servant,

James Kempt.

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relative to the
Canal Communica-
tion in Canada.

No. 47.—REPORT of the COMMITTEE appointed to assemble in *Canada*
upon matters relating to the *Rideau Canal*.

Kingston, 28 June 1828.

First Article
of Instructions.

Plan and Estimate
examined.

This Duplicate Report has been furnished by Lieut.-Colonel Fanshawe, the original sent by Lieut.-General Kempt to the Secretary of State; but, as that has not yet been received, I have thought it right not to lose any time in giving the Master General all the information I am possessed of.

10th Sept. 1828. G. M.
N. 10th.

17th Sept. 1828.

As it appears that the original of this Report has not been received at the Colonial Office, let this be sent to Sir George Murray, as the sooner the whole of this Report is considered by him and by the Treasury, the better, that it may be decided what annual sum, beginning with 1829, will be allowed for the carrying on of this work; and though the Ordnance Department has nothing to do with that part of this navigation carrying on in the Ottawa, yet he may remark that no doubt can exist that the locks on that part of the navigation ought to be equal to those still higher up.

B.

Can Lieut.-Colonels Fanshawe and Lewis suggest any further means of superintendence advantageous to the object in view, that the Ordnance Department can provide?

B.

Second Article.

Contracts exam-
ined.

Roads of Commu-
nication.

The detail of the Contracts entered into by the Commissariat, upon specifications given to the parties by Lieut.-Colonel By, have been particularly examined; and the specifications appear to be drawn up with care and perspicuity.

The Roads which have been made through the woods at different parts of the line, were indispensably necessary for the communications, and to facilitate the superintendence of the department. And although the Committee cannot speak specifically as to the precise effect or benefit to the execution of the work, produced by the Chaudière Bridge, there appears no doubt that the prospect of such a communication between the small settlement of Hull, on the left bank of the Ottawa, and the wild uncleared country near the entrance of the Rideau, produced in some degree a stimulus and inducement to individuals to enter into the work.

The question of their construction was previously referred to, and approved by, the Commander of the Forces. Moreover, these bridges will eventually be of essential importance in facilitating the settlement of the adjacent country.

The

THE Committee have personally examined and considered, upon the spot, the Plan and Estimate, amounting to £. 474,844, as prepared by Lieut.-Colonel By for the Rideau Canal, so far as the details could be produced, the uncleared state of a great part of the country, and the nature of so difficult a work would admit; and although, in some instances, from the extensive line to be selected and traced through a thickly wooded country, some errors were discovered, and Lieut. Colonel By himself had previously had occasion to make some alterations in the arrangement of the locks and dams, the Committee are of opinion, that the Rideau Navigation is practicable; and, from the inquiries and investigations made with reference to the usual height of the waters in the dry seasons, that it is calculated to give at all times a secure Water Communication between the Ottawa and Kingston, when the waters are open.

The judgment which has been evinced in the selection of the positions for the several Canal Works, will, the Committee have no doubt, render them suitable to the interests of the colony, and applicable to the local circumstances of the country, whether in peace or war.

The Committee having attentively gone through the whole Canal line, have every reason to believe that the personal and zealous exertions of Lieut.-Colonel By materially tended to produce that competition which best ensures a due economy of the public money in the formation of contracts. The disappointed expectations of some individuals, and the incompetency of others, have doubtless excited some dissatisfaction; but, from the arrangements which it is proposed should be followed up in the superintendence, so far as the means of the department will admit, and a careful attention to the execution as well as measurements of the work, the Committee trust a corresponding regard to beneficial economy will prevail throughout the whole progress.

The enclosed copy of a letter (A.), left with Lieut.-Colonel By, will explain the ideas of the Committee upon this head, and also regarding such parts of the construction as they felt it their duty to offer an opinion upon.

The Committee have inquired into the mode in which the public money has been expended, with a view to the most economical completion of the work, and have paid particular attention to the circumstances under which this work has thus far advanced, in a country which, two years since, was, with very little exception, a complete wilderness. Although in fixed stations, with organized establishments, a more uniform system of regularity would have prevailed, they have every reason to believe that economy has not been heedlessly lost sight of by Lieut. Colonel By; and that he has, in accordance with what he believed to be the spirit of his instructions, pushed forward the work, and excited a degree of exertion throughout the department, which few individuals would have accomplished.

Third Article.

Economy of the Works inquired into.

Before entering upon the question of enlarging the Locks, as adverted to in the fourth and sixth Articles of Instructions, the Committee beg to describe the general state in which they found the existing navigation of the Ottawa and Rideau between Montreal and Kingston.

Fourth and Sixth Articles.

Enlargement of the Locks.

This line may be divided into two portions: 128 miles from Montreal by the Ottawa to By Town, at the entrance of the Rideau; and 154 miles by the Rideau River and Lake Navigation from By Town to Kingston.

The *first* commences with La Châte Canal at Montreal, extending nine miles, and is complete for vessels not exceeding twenty feet beam, and five feet depth of water. This is a provincial work.

At the junction of the Ottawa and St. Lawrence, at the western extremity of Montreal Island, are St. Ann's Rapids, and the Vaudricourt Passage, separated by the Isle de Perrot, and not navigable for vessels of the above draft in dry seasons. But from hence, for a distance of twenty-seven miles to the foot of Carillon Rapids, such vessels may be used.

The Carillon Rapids are not navigable, and will require a Canal $1\frac{1}{2}$ mile long, with two locks.

The Châte à Blondeau is a short Rapid, intermediate between the Carillon and Grenville, which will also require a Canal, and one lock.

At the foot of the Long Saut of the Ottawa commences the Grenville Canal, now executing by the Staff Corps, originally intended for vessels of twenty feet beam, and four feet draft of water, but will admit of six feet water. Three out of six locks intended for the Grenville Canal, and nearly all its excavation, are completed.

This distance of interrupted navigation, from the foot of the Carillon to the head of the Long Saut, is about twelve miles:—from hence, to the entrance of the Rideau Navigation, is a distance of sixty-four miles, having occasional shoals, with not more than five feet water in dry seasons.

The *second* part of the Back Water Communication commences at Entrance Bay; from whence, to Rideau Lake, a distance of eighty-three miles, with a lockage of 283 feet, the river is capable of, and the Estimate is calculated for, a depth of water of five feet.

In one part of the Rideau Lake, at the Narrows, it is intended to deepen four feet six inches, to ensure the five feet at all seasons. This Lake is the summit pond for the supply of both arms of the Rideau line. To regulate and control the water in wet seasons, the surplus will be let off by a waste weir, with sluices at White-Fish Falls, leading to the Gannoniqui River and the St. Lawrence, eastward of Kingston.

From Rideau Lake to Kingston, a distance of thirty-nine miles, and a descent of 154 feet, five feet depth of water only has been contemplated; and even to obtain this, a small portion of Kingston water must be deepened three feet.

It would be unnecessary to detail the particular portions executed of each work; but upon the Rideau line to the summit pond, one-sixth of the work generally may be considered accomplished.

On the Lakes which are to form the summit pond, about one-seventh of the work is done; and from thence to Kingston one-eighth appears done.

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Contracts are entered into for four-fifths of the navigation from the Ottawa to Kingston; and such preparations made for the progress of the work, that, although the amount of expenditure will greatly exceed that contemplated in the Instructions, the Committee had *no alternative*, but either to suspend their sanction for the further advance, and thereby involve Government in a certain loss for detention and breach of contract, or to authorize Lieut.-Colonel By to proceed upon what they consider the most practicable means of adapting this navigation for all probable naval and military purposes, and for the commercial uses of the Upper Country, with a view also to the uniformity of the whole Back Water Communication.

The nature of the navigation will not admit of towing-paths, except for certain short distances: it therefore appears, that for all operations of war, some certain means must be adopted of propelling vessels; and steam-boats, either for towing or transport, seem to be the only alternative; whilst for commercial purposes individuals may either avail themselves of the same certain means, or trust to their sails and sweeps.

The Committee see no advantage in locks of fifty feet width, without a corresponding depth of water; and to obtain that, a further increased probable expense of nearly £.250,000, in deepening a great portion of the line (as the banks will not admit of increased inundation), is estimated by Lieut.-Colonel By, besides an alteration of the Grenville Canal, an enlarged scale of construction for Châte à Blondeau, Carillon and St. Ann's; and eventually (with permission of the Province), an alteration of La Chine, or the opening the navigation by the river, on the north side of the island of Montreal.

And here the Committee must explain with respect to Lieut.-Colonel By's small comparative increase of £.53,000 upon his original Estimate of £.474,844, for the purpose of enlarging the locks from twenty to fifty feet, that the latter sum embraces the substance of masonry and gates, as well as the dimensions of La Chine Canal; whilst the Lieut.-Colonel proposed in the fifty feet lock to reduce the thickness of the side walls to the usual dimensions, proportioned to the resistance that is required; to alter the construction of the sluices and the position of the gates; moreover, the extra cutting had been originally provided for, as Lieut.-Colonel By had thought it necessary to open the Canal part for the passage of timber rafts; and this service is already executing in many parts of the line.

The original Estimate did not comprehend the expense of the Civil and Military Establishment required for the service of the Rideau Canal during its progress, nor the remuneration of individuals for the removal of mills, &c. and for land on the banks of the Cataraqui, which will be inundated. These expenses are included in a letter from Lieut.-Colonel By, dated the 26th inst. which states his total contemplated expenditure for the Rideau Canal, with fifty feet locks, upon his own construction, at £.599,176. 2. 9½., and that the work would be completed in the year 1831.

Scale of Navigation
proposed by the
Committee.

After a careful consideration of all the circumstances attending this very great undertaking, and a most anxious desire not unnecessarily to involve the Mother Country further into an extent of expenditure little contemplated in the outset, at the same time not to sacrifice any large portion of the expenses already incurred or engaged for by specific contracts, the Committee recommend that the whole Back Water Communication should be completed, with five feet depth of water; and the locks uniformly adapted for the passage of steam-boats 30 feet wide over the paddle boxes, and for spars 108 feet long), besides ample space for working the gates.

The usual traffic of the St. Lawrence is in Durham boats, two of which would easily pass a lock of the above dimensions at a time.

A steam-boat 30 feet wide and 108 feet long, with a thirty-two horse power, would tow at least two Durham boats from four to five miles an hour in the still water obtained by the dams.

Steamers of this size are best adapted for, and are nearly similar to, those now plying on the Ottawa, and are equal to some of the smaller boats now on the St. Lawrence, between Quebec and Montreal. The Committee also think that longer boats would be inconvenient in some parts of the Rideau Navigation. So that
without

without establishing a different description of boat for each part of the line, those now in use, viz. the small steamers and the Durham boats, would be available for the whole, and might be taken up for ordinary occasions in ample numbers for military movements, and for the transport of naval stores.

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cation in Canada.

The Committee have attentively viewed the practicability of transposing such of the Locks as are contemplated in front of the Rideau Navigation, as adverted to in the First Article of Additional Instructions; but although it would be feasible, the selection of their intended sites was generally pointed out by the nature of the ground; and the transposition would, in the opinion of the Committee, be attended with an expense greatly beyond any advantage which a careful examination of the country, and a consideration of the degree of protection which such an alteration might afford.

First Additional
Instruction.

Transposition of
the Locks.

The river itself is the navigation, and the top of each dam will be a ford; therefore, as no natural impediment would exist, the only means of protecting the artificial works from demolition by an enemy, will eventually be by works of defence, or by a corps of observation.

The country between the Rideau and the St. Lawrence is now but partially settled, and the remainder thick wood; so that the military features cannot be accurately reconnoitred: the Committee therefore recommend only at present such a construction of the lock-houses (which will serve as a rendezvous for the Militia) as will secure protection against small numbers, until the general settlement of the country will identify the preservation of the navigation with the property and interests of the neighbouring inhabitants, will assist in the general defence, and will point out clearly the expediency, nature and situation for more important works.

Second Article of
Additional In-
structions.

Present Protection
of the Artificial
Works.

The Committee have directed Lieut.-Colonel By's attention to this point, with a view to securing at once such portions of land along the line as may appear calculated for defensive occupation.

The Central Dépôt between Montreal and Kingston, the Committee think should be at By Town, at the entrance of the Rideau Navigation, where the ground is peculiarly favourable for defence, and the situation affords great facility in embarking and disembarking men and stores.

Sixth Additional
Instruction.

Situation for a
Central Depot.

Lieut.-Colonel By has been desired to cause an accurate survey of the position for the dépôt to be made, together with a valuation of whatever land may be required in addition to the part already reserved.

By the copy of the letter (A.) left with Lieut.-Colonel By, it will be seen, that the Committee have authorized his proceeding with the work on the scale and construction, and under regulations which appeared to them expedient, to an extent of expenditure not exceeding £. 105,000 for the year 1828, in compliance with the First Article of Instructions. They now beg to annex Lieutenant-Colonel By's account of the probable total expense of the Navigation, amounting to £. 576,757. 14. 9½., but which, according to the calculations of the Committee, will be reduced to £. 558,000; and this sum they have every reason to believe will be found ample to meet any probable contingency that may occur. They also beg to repeat, that it includes the charge for the Military and Civil Establishment to the year 1831, amounting to £. 60,614, and the probable remuneration to individuals for loss of property, estimated at £. 10,662.

No. 48.

£. 576,757. 14. 9½.

(signed) *Jas. Kempt*, Lieut.-General.

Edw. Fanshawe, Lieut.-Col. Royal Engineers.

G. G. Lewis, Lieut.-Col. Royal Engineers.

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No. 48.—LETTER (A.) from the COMMITTEE to Lieut.-Colonel By,
&c. &c. &c.

SIR,

Kingston, 28th June 1828.

THE Committee appointed to assemble in Canada respecting the Rideau Canal having gone through the line of navigation, and examined the nature and construction of the works proposed by you, the extent of the contracts entered into, the mode adopted for the prosecution of the work; and certain individuals having preferred claims which, if just, it is desirable should be liquidated as soon as possible, desire to call your attention to, and request your compliance with, the following observations:—

17 September 1828.
The Master General considers these Instructions to Lieut.-Colonel By judicious.

B^d

The account of monies expended upon the Rideau Canal up to the 23d January 1828, transmitted to England by you, states the amount at £.61,236. — 6 $\frac{1}{2}$. The Committee are instructed to authorize you to lay out upon the work in the year 1828 the sum of £.105,000, under the following restrictions; and we beg to caution you, in the clearest manner, against undertaking any further works until those already in progress are sufficiently advanced to enable you to appropriate funds for other parts.

You will be pleased to understand that, in the first place, you are to deduct from the £.105,000 your expenditure from the 23d January 1828 up to the present period. Secondly, We have to request you will, on the 30th of this month, discharge every just claim on the Department, according to the terms of contract, and upon the most careful measurement and examination by the certifying officers. The balance remaining out of the £.105,000, after the payments above described, will be the sum you are authorized to expend in the following manner during the year 1828.

The navigation is to be carried on between the Ottawa and Kingston upon a continuous depth of water of five feet at the lowest seasons, calculating the Kingston waters at present as four feet above the lowest level.

The locks are to be capable of containing a steam-boat thirty feet wide over the paddle boxes, and 108 feet long, clear of opening the gates.

The Committee cannot, upon so extensive a line, authorize any deviation from the original mode of placing the sluices, or the position of the gates; but they concur with you in reducing the thickness of the masonry in the side walls, as shown in your Section of 1st December 1827.

With respect to the construction of the dams, the Committee recommend the greatest attention to the abutments, and that the upper surface be formed of joggled masonry, as shown in the Section for Jones's Fall-dam sent to England by you, and approved by the Committee which assembled in London.

The Committee concur in the advantage of the alteration proposed by you as regards the arrangement of the locks between Dow's Great Swamp and the Hog's Back, the inundation of the swamp itself, and the concentration of four locks at Kingston Mills, to obtain an uninterrupted navigation up to Brewer's Lower Mills, provided the existing contracts are of a nature to authorize such a deviation from the original Plan.

You are requested to favour the Committee with the amount that will be required for the total expense of the Rideau Navigation upon the above scale and construction.

The Committee are aware, that in an undertaking of the nature of the Rideau Navigation, through an uncleared country, it has not been possible, with the means at your command, and the expedition which has been used, to practise that degree of regularity and vigilant superintendence by executive professional officers which is indispensable, and can alone, in its further progress, ensure a proper economy of the public money, consistent with the effectiveness and durability of the work; but they beg particularly to impress upon you their opinion, that the military officers, and the professional civilians of the department under your orders, should be immediately dislocated throughout the works in progress in such a manner as to secure for every part of the line at least a daily inspection, with such more constant superintendence as will ensure the most substantial and creditable execution of the very important

important work which has been committed to your charge, and that each officer should keep a full and complete diary of the progress, reporting in abstract to you weekly.

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cation in Canada.

The Committee cannot sufficiently recommend the most careful scrutiny and examination by the executive officers under your authority of all claims by contractors or others employed by Government, with a desire to do strict justice, and to satisfy individuals that such a feeling is consistent with your own wishes and the due progress of the work.

The Committee are of opinion, that, especially in a work of such magnitude, where officers are liable to removal, and many individuals concerned, all check of time, and all measurements of work or material, should be entered in a book kept as a public record, signed by the certifying officers whenever measurements are made, and assented to at least weekly by the signature of the claimant.

An abstract from this book, transmitted quarterly to By Town, will enable you to order corresponding payments agreeably to the terms of contract.

We have to call your attention to the expediency of constructing the lock-masters' houses in such a manner, and in such situations, as that they will become defensible guard-houses, and a protection to the locks and dams at the several stations; and that you should submit to the proper authorities the reservation or purchase of such land at each station as appears best adapted for military works.

The Committee have already recommended an accurate survey of the ground about By Town; and we request you to annex to it the valuation of whatever additional land, beyond the present reserve, as will be required for a depôt for 5,000 men.

We have, &c.

(signed) *J. Kempt*, Lieut.-General.
Edw. Fanshawe, Lieut.-Colonel Royal Engineers.
G. G. Lewis, Lieut.-Colonel Royal Engineers.

No. 49. — LETTER from Lieut.-Colonel *Fanshawe* to General *Mann*,
&c. &c. &c.

SIR,

Kingston, 30th June 1828.

MY letter of the 14th May will have announced to you the arrival of Lieut.-Colonel Lewis and myself at Montreal; and by my subsequent communication to Lieut.-Colonel Ellicombe (14th June), you will have been informed of Lieut.-General Sir James Kempt's arrival, as President of the Committee on matters relating to the Rideau Canal. The Instructions received from the Master General and Board were put into his hands; and we have since accompanied the General through the line of navigation, and examined into all matters connected with that undertaking, as pointed out by the Instructions.

I now beg to transmit for your information, and that of the Master General, a copy of the Report of the Committee upon the Rideau Canal, together with its enclosed copy of a letter addressed by us to Lieut.-Colonel By, dated the 28th instant.

You will perceive, that the Committee have authorized the construction of a thirty-feet wide lock, with five feet water; a greater depth could not be gained but at a very great increase of expense; and even to obtain the five feet, parts of the Rideau Lake and the Kingston Waters will require a considerable sum; but the service had been contemplated in Lieut.-Colonel By's original Estimate.

The Committee did not think the navigation calculated for larger vessels than the proposed locks will admit.

The Lieut.-Colonel has already, by letter, dated 10th instant, informed you, that the subsistence and military expense of the two companies of Sappers, is not provided for in the Rideau Estimate; other parts of the establishment, and remuneration to individuals for the loss of property, such as mills which will be destroyed, and land flooded by the navigation, have in like manner to be added; so that the

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total probable expenditure as now proposed, will amount to £. 558,000. And if our proceedings are approved, it will be desirable that Lieut.-Colonel By should, as soon as possible, be informed of the rate of annual expenditure which he may calculate upon. He wishes, if the Grants can be made, that the work should be completed in the year 1831.

Lieut.-General Sir James Kempt returns immediately to his government, having completed the Canal question.

Lieut.-Colonel Lewis and myself will proceed with the duties prescribed in the other parts of the Master General's Instructions, which are already in an advanced state, and shall return to England so soon as they are accomplished.

I have the honour to be, Sir,

Your most obedient, humble Servant,

Edw. Fanshawe,

Lieut.-Colonel Royal Engineers.

No. 50.—LETTER from *R. Byham*, Esq. to *R. W. Hay*, Esq.
&c. &c. &c.

SIR,

Office of Ordnance, 29th September 1828.

THE Master General and Board having had under consideration the enclosed letter from Lieut.-Colonel Fanshawe, conveying a copy of the Report of the Committee appointed to assemble in Canada, upon matters relating to the Rideau Canal, I have the honour, by command of the Master General and Board, to transmit the same, with his Lordship's Minutes of 17th instant annexed, for the information of Secretary Sir George Murray.

I have, &c.

(signed) *R. Byham.*

No. 51.—LETTER from *R. W. Hay*, Esq. to *R. Byham*, Esq.
&c. &c. &c.

SIR,

Downing-street, 22d October 1828.

I HAVE laid before Secretary Sir George Murray your letter of the 29th ult. enclosing a Copy of the Report of the Committee appointed to assemble in Canada upon matters relating to the Rideau Canal; and I am directed to acquaint you, that, previous to expressing any opinion upon the subject, Sir George Murray is desirous that a comparative Estimate should be made out, showing the difference between the expense of completing the Back Water Communication upon the same scale as to the depth of the Canal, and the size of the locks, as the La Chine Canal, and that of completing it upon the scale proposed by the Committee; and I am to request that you will submit this suggestion for the early consideration and decision of the Master General and Board of Ordnance.

I am, &c.

(signed) *R. W. Hay.*

No. 52.—LETTER from *R. Byham*, Esq. to *R. W. Hay*, Esq.
&c. &c. &c.

SIR,

Office of Ordnance, 7th November 1828.

HAVING submitted to the Master General and Board your letter of the 22d ult. respecting the Rideau Canal, and signifying the desire of Secretary Sir George Murray, that a comparative Estimate should be made out, showing the difference between the expense of completing the Back Water Communication, upon the same scale as to the depth of the Canal, and the size of the locks, as the La Chine Canal, and that of completing it upon the scale proposed by the Committee; I am directed, to transmit herewith a Copy of a Report from Lieut.-Colonel Fanshawe, with a Minute thereon from General Mann, accompanied by the comparative statement therein adverted to; and the Master General and Board request you will submit the same to Sir George Murray, in reference to your letter above-mentioned.

I have, &c.

(signed) *R. Byham.*

No. 53.—LETTER from Lieut.-Colonel *Fanshawe* to General *Mann*,
&c. &c. &c. with Minute thereon.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Harwich.

SIR,

28th October 1828.

1. I HAVE to acknowledge the receipt of your Minute of the 27th instant, directing me to furnish the information required by the Secretary of State for the Colonies in the enclosed letter of the 22d, respecting the Back Water Communication between Kingston and Montreal.

2. I have drawn up the accompanying Comparative Statement, grounded upon the different Estimates which have been framed by the executive officers from actual levels, and, so far as it goes, I hope it is tolerably correct.

3. But, as regards the continuation of the navigation from the Lake of the two Mountains on the Ottawa to the St. Lawrence, either by Rivière des Prairies, on the north side of Montreal, or by St. Ann's Rapids and La Chine, I beg to state, that no accurate survey or levels for the purpose of ascertaining the exact expense have been taken.

4. The ground was visited, to ascertain the practicability of either line, and the general levels of the banks; but until very careful sections are taken, I cannot venture to offer detailed Estimates.

5. As a comparative statement, I should think that a Canal to pass St. Ann's Rapids would, on the scale of La Chine, cost £. 25,000; and on the Committee scale, that the expense would be nearly £. 40,000.

6. La Chine Canal is a provincial work; it is at present calculated for Durham boats, and it has a towing path; therefore, although the proposed steam tow-boat could not pass these locks; there need be no trans-shipment of stores. The laden boats might pass, and be taken in tow by another steamer after getting through this piece of Canal; consequently the enlargement of the La Chine would, to a certain extent, be optional.

7. And here I take the liberty to remark, that my own opinion is much in favour of making the continuous line of Back Water Communication pass from Quebec to the Upper Provinces, by Rivière des Prairies, on the north side of Montreal Island, avoiding both St. Ann's and La Chine

I have, &c.

(signed) *Edward Fanshawe*,
Lieut.-Colonel Royal Engineers.

135.

Forwarded to the Board for their information and orders, in reference to their Minute of the 24th instant, on the enclosed letter from the Colonial Office. In forming any comparison of the expense of the Canal and Locks of this Water Communication upon a large scale, with the dimensions of the La Chine Canal, it is now merely as concerns the Rideau a matter of information, but not to control any decision; because the Rideau Canal is now carrying on upon the large scale that the Committee last sent to Canada have been authorized to order to be executed; therefore no alteration can be now made with respect to that part of the work, the Estimate of which must stand as it does at £. 558,000; the other portion of the Back Water Communication is shown in the enclosed Abstract, furnished by Lieut.-Colonel Fanshawe, with the exception of St. Ann's, which in this letter he has assumed to be £. 40,000 for the large scale, and £. 25,000 for the La Chine dimensions.

G. M.

31st October 1828.

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 54.—COMPARATIVE STATEMENT, by Lieut.-Colonel *Fanshawe*.

COMPARATIVE STATEMENT, showing the probable difference between the Expense of completing the BACK WATER COMMUNICATION between *Kingston* and *Montreal*, upon the same Scale, as to the depth of the Canal, and the size of the Locks, as the *La Chine* Canal, and that of completing it upon the Scale proposed by the Committee's Report of 28th June 1828.

| | On La Chine Scale. | Committee Scale. | |
|-----------------------------|---|---------------------|---|
| | £. | £. | |
| From Kingston to the Ottawa | * 516,309 | 558,000 | In progress on Committee Scale. |
| Grenville Canal - - | 18,000 | 59,100 | Commenced for only four feet water; since enlarged. |
| Chûte à Blondeau Canal - | 8,800 | 12,540 | Not commenced. |
| Carillon - - - - | 55,863 | 105,000 | ditto. |
| St. Ann's - - - - | No detailed Estimate formed, the ground not being purchased, or the levels taken. | | |
| La Chine - - - - | - - - | - - - | Provincial work. |

* Lieut.-Colonel By's Estimate would make this amount to £. 576,191; but the proposed reduction in the substance of the masonry and gates, will reduce the amount to the sum above stated.

(signed) *Edward Fanshawe*,
Lieut.-Colonel Royal Engineers.

No. 55.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 22 November 1828.

I AM directed by Secretary Sir George Murray to transmit to you the copy of a letter from the Secretary to the Ordnance, enclosing the Report of the Committee appointed to assemble in Canada upon matters relating to the Rideau Canal. I also enclose a Memorandum; showing the sums which remain to be provided to complete the Rideau and Grenville Canals, according to the Estimates of the Committee; and I am to request that you will lay the same before the Lords Commissioners of the Treasury, acquainting their Lordships that it is very desirable that Lieut.-Colonel By should be enabled to complete the work in 1831; and I am to request that you will communicate to me their Lordships' decision as to the amount of the Estimate to be submitted to Parliament.

I am, &c.

(signed) *R. W. Hay*.

Memorandum:—

| RIDEAU CANAL: | | £. |
|---|---|---------|
| Total estimated expense - - - - | - | 558,000 |
| Deduct granted in 1826, 1827 and 1828 - - - - | - | 166,000 |
| Remains to be provided - £. | - | 392,000 |
| GRENVILLE CANAL: | | £. |
| Total estimated expense - - - - | - | 59,000 |
| Chûte à Blondeau - - - - | - | 12,540 |
| Carillon - - - - | - | 105,000 |
| St. Ann's (no estimate received). | - | |
| Deduct already granted - - - - | - | 176,640 |
| Remains to be provided - - £. | - | 96,640 |

29 Sept. 1828.

No. 56.—TREASURY MINUTE as to further Estimates towards completing the *Rideau* and *Grenville* Canals.

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relative to the
Canal Communi-
cation in Canada.

Copy of the Treasury Minute of 23d December 1828.

READ Letter from Mr. Hay, dated 22d November, transmitting Copy of one from the Secretary of the Ordnance, with the Report of the Committee appointed to assemble in Canada upon matters relating to the Rideau Canal; together with a Memorandum, showing the sums which remain to be provided to complete the Rideau and Grenville Canals, according to the Estimate of the Committee;—and Mr. Hay at the same time states, by direction of Secretary Sir George Murray, that it is very desirable that Lieut.-Colonel By should be enabled to complete the work in 1831;—and Mr. Hay requests to be favoured with the decision of My Lords as to the amount of the Estimate to be submitted to Parliament.

Acquaint Mr. Hay, that My Lords approve of the application of the sums mentioned in his letter for the further prosecution of those works in the ensuing year; viz.—

| | | | | | | |
|----------------------|---|---|---|------------|-----|----|
| For the Rideau Canal | - | - | - | £.130,666. | 13. | 4. |
| Grenville Canal | - | - | - | 32,233. | 6. | 8. |

and that their Lordships will give the necessary directions that Estimates for the same should be prepared and laid before Parliament.

No. 57.—LETTER from *R. Byham*, Esq. to *R. W. Hay*, Esq.
&c. &c. &c.

SIR,

Office of Ordnance, 12th January 1829.

THE Master General and Board having had before them a Report, dated the 20th November last, from Lieut.-Colonel By, upon matters relating to the Rideau Canal, and the Funds which will be required in the prosecution of the work;—

I have the honour to transmit herewith a Copy of the said Report, for the information of Secretary Sir George Murray; and, adverting to Lieut.-Colonel By's statement of the sums which will be required for completing the Canal in the period of time originally calculated by the Duke of Wellington, the Master General, and Board, beg to represent the very great importance of Lieut.-Colonel By being informed as early as possible of the amount intended to be allowed him for expenditure on the work in the present year; and they recommend that the amount he applies for (viz. £.137,000) may be granted.

I am at the same time directed to state, that the Master General and Board propose, if Sir George Murray sees no objection, to sanction the tolls for crossing the bridges, as proposed by Lieut.-Colonel By.

I have, &c.

(signed) *R. Byham*.

No. 58.—REPORT upon Matters relating to the *Rideau* Canal.

Lieut.-Colonel *By* to General *Mann*, &c. &c. &c.

SIR,

Royal Engineers' Office, Rideau Canal,
20th November 1828.

I HAVE the honour of transmitting, for the information of his Lordship the Master General and Right Honourable and Honourable Board of Ordnance, the Progress Report of Works and Expenditure on the Rideau Canal from its commencement on the 21st September 1826 to the 1st November 1828, at which date I had expended £.141,313. 15. 5 $\frac{1}{2}$.; and between the 1st and 20th instant, I have paid £.12,003. 5. 11 $\frac{1}{2}$. making my total disbursement £.153,317. 1. 5 $\frac{1}{2}$., which leaves a balance of only £.12,582. 18. 6 $\frac{1}{2}$., of which I suppose £.5,000 is due to the various contractors, as we never advance the full value on the cut stone until it is measured in the wall; and I have the satisfaction to state, that although my

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cation in Canada.

operations have been much retarded by the restricting of my expenditure in the commencement of the present year to £. 41,000, until the Committee, on 29th June, authorized my expending £. 105,000, and the sickness among my men and officers, which created a sad stagnation in the works; yet, taking these unexpected events into consideration, there has been an astonishing quantity of work performed, as fully detailed in the accompanying Report. The line of bridges erected across Ottawa at the Chaudière Falls is completed; and although the great Kettle Bridge was destroyed by the chains breaking, on 2d April last, it has been rebuilt, and that service completed at an excess of only £. 372. 14. 4½. on the original Estimate. The traffick appearing very great, I have ordered a toll-house and gates to be erected, and the following notice to be fixed at the gate; and conceive the tolls will produce at least £. 100 currency per year, which will be paid, as collected into the military chest, until I receive instructions on that subject:—

“ THESE Bridges across the Chaudière Falls, having been built at the expense of His Majesty’s Ordnance, Orders are given, That no person whatever shall be permitted to pass, until they have paid one Penny; one Penny also to be paid for every horse, mare, gelding, ox, cow, calf, sheep, lamb and pig; and Two-pence for every waggon, sleigh or carriage, until the pleasure of His Majesty’s Ordnance is known.

(signed) “ John By,
“ L’ Col’ Roy’ Eng’.”

I have succeeded in making the mound across Dow’s Great Swamp water tight, which places beyond all doubt the practicability of converting that unhealthy swamp into a fine sheet of water, and does away with the original idea of forming an aqueduct in the centre of the said mound, and a considerable saving will be made in consequence. I have also succeeded in raising the Rideau River at the Hog’s Back twenty-seven feet perpendicular, and am now busily employed in carrying on that work in thickening the base, and completing the arch key-work across the river, which was injured by the spring floods carrying away the temporary dam; and I have every reason to hope by that time next year to have the water raised to the required height of forty-five feet, as at present I have met with nothing to create a doubt of the practicability of the plan; and if I am allowed to expend £. 137,215. 11. 10½. per annum in 1829, 1830 and 1831, I am confident the whole of the proposed works will be completed by the 12th August 1831; but I shall require the assistance of six officers of royal engineers, in addition to those I have now the honour of commanding, to ensure the masonry and other works being well executed.

I have, &c.

(signed) John By,
Lieut.-Colonel Royal Engineers.

No. 59.—LETTER from R. W. Hay, Esq. to R. Byham, Esq.

&c. &c. &c.

SIR,

Downing-street, 16 January 1829.

I HAVE laid before Secretary Sir George Murray your letter of the 12th instant, and I am directed to acquaint you, in reply, that the Lords Commissioners of the Treasury have sanctioned the expenditure of £. 130,666. 13. 4. on the Rideau Canal, and £. 32,213. 6. 8. on the Grenville Canal for the year 1829; and a communication to that effect was made to the Commander of the Forces in Canada by the American mail of the present month.

With respect to the proposed Tolls on the Bridges across the Chaudière Falls, Sir George Murray is not aware of any objection to levying the Tolls, provided it can be done without infringing on any provincial law.

I am, &c.

(signed) R. W. Hay.

No. 60.—LETTER from Sir *James Kempt* to the Right Hon. Sir *George Murray*,
&c. &c. &c.

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relative to the
Canal Communi-
cation in Canada.

SIR,

Quebec, 12th February 1829.

IN submitting for the approval of His Majesty's Government the accompanying Estimate for the completion of the Grenville Canal (No. 1.), Plans and Estimates of the Canals proposed to overcome the obstructions to the navigation of the Ottawa at the Chûte à Blondeau (No. 2), and Carillon Rapids (No. 3), I beg to call your attention to the despatch upon the Canals at Grenville and Chûte à Blondeau, addressed by the Earl of Dalhousie to Mr. Huskisson on the 30th January 1828, a copy of which is herewith enclosed.

No. 61.

No. 62.

No. 63.

No. 64.

The Grenville Canal is about six miles in length: it is now navigable, on the original scale, to within half a mile of its lower or western extremity, and the excavation is nearly completed along its whole extent.

It was originally intended that the locks on this Canal should have been of similar dimensions with those of the Canal at La Chine (108 feet long by twenty in breadth), and suited only to the navigation of Durham boats, and other small craft. But in the summer of 1828, the Committee, of which I was President, directed the locks which had not been commenced, and those which admitted at that period of the necessary alterations, should be constructed on the enlarged scale (134 feet long, or 110 feet clear of the gates, and thirty-four feet wide), to correspond with the locks of the Rideau Canal, and adapted to the navigation of steam-boats thirty-three feet broad across the paddle-boxes.

The three upper locks have been finished on the original scale; the pits of the two next are nearly completed on the enlarged scale; and those of the two lower (on the same scale) are in an advanced state. Major Du Vernet, commanding the Royal Staff Corps, reports, that, with the means he now possesses, the Canal cannot be completed before the spring of 1830.

The sum already expended on the Grenville Canal, you will perceive, by the accompanying Statement (No. 5.), amounts to £.113,920 sterling; and the Estimate for its completion (No. 1) is £.21,000 sterling, giving an aggregate amount of £.134,920 sterling, exclusive of a considerable quantity of stores and tools supplied by the Barrack and Store-keeper General's Department, the amount of which cannot now be ascertained. To overcome the obstruction at the Chûte à Blondeau, a Canal of 700 feet in length, with one lock, will be required.

No. 67.

No. 61.

The soil through which the Canal will pass being of a very rocky description, and the excavation in consequence very expensive, it is proposed to form the Canal of a somewhat diminished breadth, from which, as its extent is so small, it is supposed that no inconvenience can arise. The estimated expense for the completion of this Canal is £.11,580 sterling.

The Canal projected at the Carillon Rapids is a much more considerable operation than that at Chûte à Blondeau, extending two miles and 228 yards, generally traversing a rocky and difficult soil.

The formation of this Canal upon the full dimensions (seventy-five feet wide at the surface of the water), through a soil of that character, would greatly increase its expense; it is therefore proposed to form it also of a reduced breadth, though of sufficient width throughout to admit of the passage of a steam-boat of the largest class frequenting this navigation, with two "lay-bys, or passing places," for those boats.

Major Du Vernet is of opinion, that those reduced dimensions will answer every purpose of this Canal; and, by placing the lock-houses on elevated situations, signals might, if necessary, be made to prevent boats from encountering each other in the narrow parts of the Canal.

Upon this Canal two locks will be required, and its estimated expense is £.58,000 sterling.

To increase the breadth of the Canal along its whole extent to the full dimensions (seventy-five feet), would cause an augmentation of the Estimate to the amount of £.23,500 sterling.

The locks of the Canals proposed at the Chûte à Blondeau and Carillon Rapids,
135. I 4 you

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cation in Canada.

you will perceive by the Estimates, are of the same dimensions with those on the Rideau Canal, and calculated for the navigation of steam-boats of thirty-three feet across the paddle-boxes. Major Du Vernet is of opinion that they cannot be completed in less than three seasons with the means now under his control. Those means he considers insufficient to supply the military overseers required to superintend operations on so extensive a scale; with a view, therefore, to accelerate their completion, but more especially the excavations, he recommends that they should be executed by contract under the general superintendence of the Royal Staff Corps; and though he is not aware whether this system would tend to increase or diminish the estimated expense of the Canals, I beg most strongly to concur in the propriety of this recommendation.

The completion of those three Canals will obviate every impediment to the navigation from the Rapids of St. Anne, on the St. Lawrence, to the mouth of the Rideau Canal: until they, and a Canal to turn the Rapids at St. Anne, are finished, the great advantages which the Rideau Canal will yield to the defence, and to the commercial and agricultural interests, of the Canadas cannot be obtained; and as they severally form component parts of the great system of internal navigation which Great Britain has undertaken for the benefit of these colonies, and upon which their defence so materially depends, I beg most earnestly to recommend, that the completion of the Grenville, Châte à Blondeau and Carillon Canals may be authorized with all the expedition of which circumstances admit.

The ground in the vicinity of the St. Ann's Rapids I have directed to be surveyed when the season permits, and a Plan and Estimate of the Work required to obviate the interruption they present to the navigation of the St. Lawrence to be prepared by Major Du Vernet, which, when received, I shall submit for your consideration; and in the course of the ensuing summer I trust I may be enabled to adopt a similar proceeding with respect to the Water Communication in rear of the Island of Montreal, which I consider a most important part of the back navigation of this country.

I have, &c.

(signed) James Kempt.

No. 61.—ESTIMATE of the probable Amount of Sums required to complete the Works at Grenville.

| | £. | s. | d. |
|--|-------|----|----|
| Excavation from the mouth of the Canal to the Regulating Lock 500 yards, 2 feet deep and 33 feet wide, 3,966 cubic yards | 549 | 18 | - |
| Making a Dam to effect the same | 50 | - | - |
| Completing the Pier, &c. | 50 | - | - |
| Completing the 4 Lock-houses | 50 | - | - |
| Fourth and Fifth Locks: | | | |
| Excavating 596 yards of rock in 5th Lock Pit, at 3s. per yard | 89 | 8 | - |
| Excavating 1,191 yards of rock and earth in 4th Lock Pit, at 2s. per yard | 119 | 2 | - |
| Ashler wanting for the 4th and 5th Locks, to make up the quantity required, 7,549 feet, at 3s. | 1,132 | 7 | - |
| Ditto - of coping 350 running feet | 200 | - | - |
| 80 Square feet of pavement | 80 | - | - |
| Sixth and Seventh Locks: | | | |
| 5,657 Yards of rock to be excavated in Lower River Lock Pit, at 4s. | 1,131 | 8 | - |
| 2,580 Yards for 6th Lock Pit, at 4s. | 516 | - | - |
| Ashler wanting to complete 10,463 feet, at 3s. | 1,569 | 9 | - |
| 900 Feet of coping pavement, hollow coins, and sills for the two Locks; if they must be got from the Hawkesbury Quarry, it is supposed will cost about | 1,800 | - | - |
| A Coffe-dam in the river at Greece's Point | 150 | - | - |
| Pumping out the water, and keeping the space dry during the excavation | 100 | - | - |
| Excavation about 2,000 feet of rock out of the bed of the river within the dam | 310 | - | - |
| 5,623 Feet of oak timber, at 1s. 6d. per foot, to construct the 12 Lock-gates | 421 | 14 | 6 |
| Carried forward | 8,319 | 6 | 6 |

| | £. | s. | d. | Correspondence relative to the Canal Communi- cation in Canada. |
|--|---------------|----------|-----------|--|
| Brought forward - - - £. | 8,319 | 6 | 6 | |
| 150 Barrels of cement, at 30s. per barrel - - - - - | 225 | - | - | |
| Cedar post for scaffolding - - - - - | 18 | - | - | |
| Machinery for raising sluices, anchor-plates, gudgeons, racks, &c. for swing-bars, and other cast-iron works for the four Locks, estimated at - | 543 | 3 | - | |
| Iron, steel, and other stores required, estimated at - - - - - | 472 | 11 | 1 | |
| 7,000 Bushels of charcoal, at 6s. per bushel - - - - - | 175 | - | - | |
| 700 Cords of hemlock for burning lime, at 4s. per cord - - - - - | 140 | - | - | |
| 5 Chaldrons of coals, at 3s. per chaldron, exclusive of transport - - - | 8 | - | - | |
| Work of two pair of sawyers - - - - - | 360 | - | - | |
| 8 Blacksmiths, 5s. per diem, 312 days - - - - - | 624 | - | - | |
| 10 Carpenters, at 5s. 6d. ditto - - ditto - - - - - | 858 | - | - | |
| 10 Stonecutters, at 5s. 6d. day-work, 166 ditto - - - - - | 456 | 10 | - | |
| 50 Builders, at 5s. 6d. ditto - - ditto - - - - - | 2,282 | 10 | - | |
| 200 Labourers attending builders, at 2s. 6d. per diem - - - - - | 4,150 | - | - | |
| 50 Labourers raising rough stone for backing - - - - - | 1,037 | 10 | - | |
| 8 Lime-burners, at 3s. 166 days - - - - - | 199 | 4 | - | |
| 12 Men boating sand - - - - - | 249 | - | - | |
| 9,274 Rations on Sundays for the above number of men, at 6d. per ration - - - - - | 231 | 17 | - | |
| 20 Hired horses, 166 days, 5s. each - - - - - | 830 | - | - | |
| Forage for 10 public horses, at 1s. 3d. 365 days - - - - - | 228 | 2 | 6 | |
| Probable expense of hire of oxen - - - - - | 50 | - | - | |
| Probable expense of transport - - - - - | 100 | - | - | |
| 10 Per cent. Contingencies - - - - - | 2,155 | 15 | 4½ | |
| Salary of the Clerk of Works per annum - - - - - | 136 | - | - | |
| Wages and rations for Master Carpenters - - - - - | 146 | - | - | |
| Charge of Mr. Mears for the use of the quarry - - - - - | 100 | - | - | |
| Remuneration to Allen Cameron for his quarry, supposed about - - - | 50 | - | - | |
| Ditto to Stothers, supposed - - - - - | 50 | - | - | |
| For permission to take clay for puddling dams - - - - - | 20 | - | - | |
| TOTAL - - - £. | 24,216 | 6 | 5½ | |
| Equal to in sterling - - - £. | 20,987 | 9 | 7½ | |

Montreal, }
Dec. 22, 1828.

(signed) *Henry Du Vernet,*
Major Royal Staff Corps.

**No. 62.—ESTIMATE of the probable Expense of making a CANAL and LOCK
at Châte à Blondeau for Steam-boat Navigation.**

THE Locks 33 feet wide, 110 feet long, clear of the gates; lift, four feet; walls of the Lock 26 feet above the lower sill. The Canal 33 feet wide at the bottom; slopes equal to one-fourth of the height; length, including the Lock, 700 feet; to carry five feet of water.

| EXCAVATION : | | £. | s. | d. |
|--|--------------|-----------|----------|----|
| For Lock-pit - 13,602 } 28,299 cubic yards, at 3s. 6d. | - | 4,952 | 6 | 6 |
| For Canal - 14,697 } | - | | | |
| MASONRY : | | £. | s. | d. |
| 15,575 Feet of ashler, at 3s. - - - - - | 2,336 | 5 | - | |
| 1,207 Bushels of lime, at 9d. - - - - - | 45 | 5 | 3 | |
| 24,174 ditto of sand, at 4d. - - - - - | 402 | 18 | - | |
| 80 Barrels of cement - - - - - | 120 | - | - | |
| Collecting and piling 1,231 toises of rough stone for backing, at 2s. 6d. - - - - - | 153 | 17 | 6 | |
| Building, including labour - - - - - | 1,409 | 13 | - | |
| Allow for coping, hollow coins, sills, & - - - - - | 1,200 | - | - | |
| £. | 5,667 | 18 | 9 | |
| Carried forward - - - £. | 10,620 | 5 | 3 | |

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cation in Canada.

| | | £. | s. | d. |
|--|-----------------------|------------------|----|----|
| | Brought forward - - - | 10,620 | 5 | 3 |
| CARPENTRY: | | | | |
| Timber, sawing and carpentry for the Lock-gates - | 499 17 6 | | | |
| Paint, pitch, tar, oakum, grease, &c. and backing - | 88 - - | | | |
| £. | 580 17 6 | 580 | 17 | 6 |
| IRON and SMITHS' WORK: | | | | |
| Collars Ls Ts, bolts, &c. as per former Estimate - | 255 - - | | | |
| Extra 800 lbs. of iron for bolting the sills, at 1s. 6d. per pound - | 20 - - | | | |
| £. | 275 - - | 275 | - | - |
| MACHINERY, CAST-IRON WORK, &c. | | | | |
| 4 Racks and pinions - - - - - | 75 - - | | | |
| 4 Cast-iron clamps - - - - - | 14 13 - | | | |
| 4 Gudgeon slips and crasses - - - - - | 19 4 - | | | |
| 32 Brasses on heel posts - - - - - | 9 - - | | | |
| 4 Rack-bams and capstans - - - - - | 80 - - | | | |
| 4 Cast-iron rollers and ways - - - - - | 28 - - | | | |
| £. | 187 19 - | 187 | 19 | - |
| Building a Lock-house - - - - - | | 173 | - | - |
| Coffer-dams and pumping - - - - - | | 300 | - | - |
| Fencing - - - - - | | 6 | - | - |
| | | 12,143 | 1 | 9 |
| Add 10 per cent. for Contingencies - - - - - | | 1,214 | 6 | 2 |
| TOTAL, Currency - - - £. | | 13,357 | 7 | 11 |
| Equal to, in sterling - - - - - | £. 11,576. | 8. | 2 | 1. |
| | (signed) | Henry Du Vernet. | | |

Chute à Blondeau.

Memorandum.—The excavation at this place is entirely in rock, and the average depth upwards of twenty-two feet; but from the circumstances of its appearing to lie in horizontal strata with joints, I conceive the blocks may be removed without much blasting, which has induced me to estimate for it lower than usual for rock to twelve feet depth, being generally from 4s. to 4s. 9d. per cubic yard.

There is to be seen in the bank beds of a hard and brittle description of limestone, which has been tried, and is considered unfit for other purposes than backing, upon which I have calculated. At present I have no knowledge of any good quarry in the immediate neighbourhood, but do not reckon upon any particular difficulty rendering the expense of stone higher than that employed in the lower locks at Grenville.

From the numerous fissures in the rock, and nearness of the river, I am apprehensive it will be impossible to excavate below the level of the water in the spring, which may occasion some delay.

(signed) *Henry Du Vernet.*

Montreal, Jan. 29, 1829.

CANAL COMMUNICATION IN CANADA.

71

No. 63.—ESTIMATE of the probable Expense of making a CANAL at the Carillon Rapids for Steam-boat Navigation.

Correspondence relative to the Canal Communication in Canada.

THE Locks 33 feet wide, 110 feet clear of the opening of the gates. The length of the Canal 2 miles, 228 yards; width of the Canal at the bottom equal to the width of the Locks, with a slope of 45° for the banks, and two passing places or lay-bys.

A Regulating Lock, walls twenty-one feet in height; and a Lock at the end, of a ten-feet lift, same height of walls.

| EXCAVATION : | | £. | s. | d. | £. | s. | d. |
|--|----|--------|----|----|--------|----|--------|
| Rocks and earth to be excavated from the entrance to the situation of the proposed Regulating Lock, distance 1,000 yards, 98,000 cubic yards, at 2s. 6d. | | 12,250 | - | - | | | |
| Remaining distance 2,748 yards, 217,916 cubic yards, at 3s. | | 32,687 | 8 | - | | | |
| A passing-place 200 feet long, 80 feet surface of water, at 1,100 yards from the regulating Lock, 3,288 cubic yards, at 3s. | | 493 | 4 | - | | | |
| A similar passing-place at the swamp, in the lowest ground, 1,928 cubic yards, at 1s. 6d. | | 144 | 12 | - | | | |
| Lowering the Towing-path at the Rocky Bridge, to bring it to 12 feet above the bottom of the Canal, average depth 9 feet 6 wide, 1,380 length, 2,760 cubic yards, at 3s. | | 424 | - | - | | | |
| Extra excavation for pit of the regulating Lock, 1,793 cubic yards, at 3s. | | 268 | 19 | - | | | |
| Extra excavation for Lock at the lower entrance, 4,818 yards, at 3s. | | 722 | 14 | - | | | |
| Total for Excavation | | 46,980 | 17 | - | 46,980 | 17 | - |
| MASONRY for the REGULATING LOCK : | | | | | | | |
| 14,087 feet of ashler - - - - - at 3s. | | 2,113 | 1 | - | | | |
| 11,043 bushels of lime - - - - - at 9d. | | 414 | 2 | 3 | | | |
| 22,086 ditto of sand - - - - - at 4d. | | 368 | 2 | - | | | |
| 74 barrels of cement - - - - - at 30s. | | 111 | - | - | | | |
| 1,017 toises of backing stone, collecting and piling, at 5s. | | 254 | 5 | - | | | |
| Building, including labour - - - - - | | 1,288 | 5 | - | | | |
| Allow for coping, hollow quoins - - - - - | | 1,000 | - | - | | | |
| | £. | 5,548 | 15 | 3 | 5,548 | 15 | 3 |
| CARPENTRY : | | | | | | | |
| Timber, sawing and carpentry for the Regulating Lock-gates | | 319 | 16 | 6 | | | |
| Paint, pitch, tar, oakum, grease and caulking | | 82 | 9 | 5 | | | |
| | £. | 402 | 5 | 11 | 402 | 5 | 11 |
| Iron and Smiths' work | | 265 | - | - | 265 | - | - |
| Machinery for Sluices | | 167 | 19 | - | 167 | 19 | - |
| For the LOWER LOCK : | | | | | | | |
| Masonry, as above | | 5,548 | 13 | 3 | | | |
| Carpentry, &c. | | 361 | 7 | 9 | | | |
| Smiths' Work | | 221 | 13 | 4 | | | |
| Machinery for Sluices | | 167 | 19 | - | | | |
| | £. | 6,319 | 15 | 4 | 6,319 | 15 | 4 |
| 2 Lock-houses, at £. 173 each | | - | - | - | 346 | - | - |
| Dams, &c. | | - | - | - | 300 | - | - |
| New Road as proposed, 2 1/2 miles | | - | - | - | 500 | - | - |
| Fencing 2 miles 228 yards, at 2s. per parcel of 14 feet | | - | - | - | 80 | 6 | 3 |
| | | | | | 60,910 | 18 | 9 |
| Add 10 per cent. for Contingencies | | - | - | - | 6,092 | 1 | 10 1/2 |
| TOTAL, Currency | | - | - | £. | 67,002 | - | 7 1/2 |
| Equal to in Sterling | | - | - | £. | 58,068 | 8 | 6 1/2 |

(signed) Henry Du Vernet.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Carillon Rapids.

Memorandum.—IN estimating the expense of the Excavation, I have been guided by the general appearance of the ground, not from any trials; and I conceive at least two-thirds will prove to be in rock at the ridge; at the lower end it is so to the surface; and the average height for 460 yards is upwards of 21 feet. From where the Regulating Lock is proposed to be placed downwards, for 1,500 yards it is a thick swampy wood, and in its present state it is difficult to form an opinion of the depth of earth.

In the bank near the first Lock, there is fine stone, which appears to be fit for building; I have also observed similar stone in the ridge, at the lower end, and have calculated upon the excavation supplying the rough stone for backing for the Locks.

(signed) *Henry Du Vernet.*

No. 64.—LETTER from the Earl of *Dalhousie* to the Right Hon. *W. Huskisson*,
&c. &c. &c.

SIR,

Quebec, 30th January 1828.

IN submitting to you the subject of the Papers which I have now the honour to enclose, I must refer you to a former correspondence with Earl Bathurst and Mr. Horton, relative to the Grenville Canal on the Ottawa, with which the present project is materially connected, as that work would be incomplete; indeed not materially useful, unless two other rapids, lower down the river, are overcome by two smaller works or canals. The Grenville Canal is now nearly completed; and it becomes necessary that I submit to your consideration the accompanying Plans for the further progress on the next part of it, the Chute à Blondeau.

The whole of this important public work has been carried on from the beginning under the officers of the Royal Staff Corps, and the science they have shown does them all great honour. The expense has been authorized from time to time by His Majesty's Government through Earl Bathurst. I have now, therefore, only to submit the Plan and Reports prepared by the officer of the Staff Corps conducting the work, and to recommend, in the most earnest manner, that instructions be given to me to proceed in this second branch of the Grenville Canal.

I have, &c.

(signed) *Dalhousie.*

No. 65.—LETTER from Major *Du Vernet* to Major-General *Darling*,
&c. &c. &c.

SIR,

Montreal, December 26, 1827.

CONCERNING the Chute à Blondeau and Carrillon Rapids to be included in the improvements to be made of the navigation of the Ottawa River, I have several times, in the course of the last summer, been at the first-mentioned place, with a view to ascertain what is necessary to be done there; and having had a Plan and Levels taken of the ground, and observed the rise and fall of the water, it appears to me that the navigation may be improved in the two ways pointed out in the Plan which I have the honour to transmit to you for the information of his Lordship the Commander of the Forces. An objection to the dam is, that it will obstruct the ice: in point of expense, they will be about equal.

In the year 1823 I made a Report on the Carrillon Rapids, which, together with a sketch, has been laid before his Lordship; further observation might give rise to some small alteration in the projected line of Canal, the water having fallen lower than I was at that time aware of. If any thing is to be done at these places, as almost the entire of the excavation will be in solid rock, it may be desirable to commence as early as possible.

I have, &c.

(signed) *Henry Du Vernet.*

28 November 1823.
3d February 1824.

Chûte à Blondeau.

Correspondence
relative to the
Canal Communi-
cation in Canada.

THE obstruction to the navigation of the Ottawa is here caused by a bar of rock crossing the stream, to which it presents a nearly perpendicular face, in a diagonal direction (nearly east and west), the water falling as over a rolling dam. The banks of the river in its neighbourhood are every where formed of solid rock. The most favourable situation for the construction of a Canal being on the north-west shore, where the upper part of a strait, formed by a small island lying on, and nearly at the eastern extremity of, the bar, affords a deep and secure channel immediately above the rapid, and where the bank is little more than of a sufficient height to protect the works from the effects of the spring floods. This is the situation shown in the accompanying Plan, where two descriptions of works suggest themselves as eligible; one, a direct cut, taking the line D. E., a section on which is given with the Plan, as the middle of the excavation, with a lock, near the lower end, as shown by the red dotted lines on the Plan; the other, a lock in the same situation, communicating at the upper end with the river, at the nearest point the space necessary for the navigation would admit of, disposing of the materials furnished by the excavation (which are very suitable for the purpose) in forming a dam across the channel, by which the water would be kept up to the same height as at D., and the safety of the navigation greatly increased by the rapid in the channel being entirely done away with.

The space between F. and G. marks the head of the excavation, and the lines G. H. I. K. the base of the proposed dam, according to this second project.

The entire excavation will in either case be through a hard clay-stone rock, lying in large oblong blocks, in beds of various thicknesses (from two feet to ten inches), the strata nearly horizontal, with joints diagonal to line of cutting D. E. Those parts of it that have been tried by the stonemasons have been found, from hardness and brittleness, to be unfit for other purposes in building than backing a rubble-work; this circumstance will tend materially to increase the expense of construction of a lock, if built in the same manner as those of the Grenville line, no better description of stone being to be met with nearer than the quarry to Hawkesbury. From the shortness of its extent, it will not be required that the cut should be made wider than the lock-gates; no tow-path will be necessary, nor, from the nature of the banks, will a greater slope be advisable or requisite than that which will be unavoidable in their formation.

Agreeable to these premises, allowing one foot six inches for the fall of the surface in dry seasons below the point it stood at when the levels, soundings, &c. were taken, four feet below that surface for the navigation, one-fourth of the depth for the unavoidable slope of the banks, and for a lock-pit 165 feet by 40, with a rise of four feet, the quantity of excavation required for the longer cut on D. E. will be about 16,230 cubic yards.

For the cutting, entering at F. G., deepening the channel in front of the entrance, &c. 12,850 cubic yards.

To form a dam seventy feet in width, at the base fifteen feet high, with a ten-foot causeway along the top, 250 feet in length, will require a quantity of 5,500 yards of material.

In consequence of the great rise of water during the spring-floods, it will be necessary to raise the walls of the lock to a height of twenty-four feet above the lower sill; the rise of water below the fall corresponding with that above, no pressure of water greater than that occasioned by the fall of four feet, need be provided against. This equally applies to the lock-gates and the dam across the channel.

(signed) *Henry Du Vernet.*

No. 66.—LETTER from Major Du Vernet to Major-General Darling,

&c. &c. &c.

SIR, Montreal, January 10, 1828.

I HAVE the honour to acknowledge the receipt of your letter of the 5th instant, and, in reply, have to acquaint you, that my reason for not giving an Estimate, with a Report, on the Chûte à Blondeau, was, that so much depends on where the stone for the lock is procured, and how the rock to be excavated turns out, that I was fearful of not being within moderate bounds in stating the probable expense.

The Regulating Lock at Grenville is nearly of the same size; but what it has cost I cannot say, without going to Grenville, and examining the pay-lists and other

Correspondence
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expenses, and even then I do not think I could find out exactly its cost. Captain Read, who had the immediate superintendence of its building, is of opinion, as well as myself, that it cannot be reckoned at less than £.4,000.

There is no stone, that I have been able to discover, that will answer for the coins, sills, &c. except that at Mr. Mears' quarry, although I have searched during the last autumn in all directions; and the stone at the Chûte à Blondeau is pronounced by the stone-masons too hard to cut for ashler, all of which must therefore be brought from where I am now procuring it for the lower Locks of the Grenville Canal; and the expense of the transport will be very heavy, but in some degree compensated for by the backing being got immediately on the spot. In the spring, the distance to the Hawkesbury quarry is between nine and ten miles, and the sand must be brought about fourteen miles. So much depends on circumstances, that similar works may cost double in one situation what they would in another. If nicety is not required, and I may be allowed to state the expense of the Lock at £.4,000, the excavation for the line D. E. 16,230 cubic yards of rock, at 5s. per yard, £.4,057. 10., the Estimate will be £.8,057. 10.

For the second project, the Lock is the same, and the least excavation 12,850 cubic yards, costing £.3,212. 10., the difference, £.845, reckoning upon the rock supplied from the excavation, I conceive will be barely adequate to the expense of the dam. It is therefore my opinion that the line D. E. is preferable, as being less liable to accidents, and perhaps will prove to be the least expensive.

If this statement should not be satisfactory, on receiving your answer I will return to Grenville, and collect what further information I may be able with respect to the expense of the Lock.

The rate at which I have estimated for the excavation, may appear high, when compared with the other works of this description; but, taking into consideration the depth of the cutting, and the nature of the rock in which it is to be entirely carried, I do not consider the price I have stated as being more than it will cost in execution.

If any thing is to be done at the Carillon Rapids, I should like to be allowed to clear the projected line, as it is difficult to form any opinion of the ground whilst covered with trees. The expense will be about £.50, according to my former Estimate, but might not cost so much at present.

I can undertake to carry on both works at the same time; the Grenville Canal being reduced to little more than building the Locks, and the Chûte à Blondeau, from its limits, not requiring many persons to superintend it.

I have, &c.

(signed) Henry Du Vernet.

No. 67.—STATEMENT of EXPENSES incurred in *Canada* on account of the *Grenville Canal*, from 25th May 1819 to 24th December 1828: extracted from the Record of the Offices of Accounts at *Quebec*, and Ordnance at *Montreal*.

| | £. | s. | d. | £. | s. | d. |
|--|-----------|---------|------|-----------|----|----|
| | Currency. | | | Sterling. | | |
| LABOUR by civilians who receive free rations - - - | 54,160 | 10 | 9½ | | | |
| Purchase of Land, Stores and Materials - - - | 9,120 | 6 | 5 | | | |
| Transport from La Chine to Grenville * - - - | 3,528 | 11 | 8½ | | | |
| Pay and Allowances of the Royal Staff Corps, for six months in each year - - - | 22,488 | 12 | 3 | | | |
| Ditto - ditto - for the Commissariat Establish- ment at Grenville - - - | 3,632 | 9 | 8 | | | |
| Ditto - ditto - of the Storekeepers and Clerks at Grenville - - - | 1,034 | 16 | 8½ | | | |
| Expense of rations, after deducting the usual stoppage from the Troops - - - | 32,307 | 13 | 10½ | | | |
| | £. | 126,243 | 7 4½ | 109,410 | 18 | 5 |
| Amount of Stores supplied by the Ordnance Department | - | - | - | 4,510 | 14 | 1 |

Amounting, in sterling, to £.113,921. 12. 6.

Quebec, 12th February 1829.

* All Stores for Upper Canada and the Ottawa River are forwarded from Montreal to La Chine; but as the accounts for transport do not express the proportion intended for the latter, the amount of transport only includes the expenses incurred for conveyance from La Chine to Grenville.

No. 68.—DESPATCH from Secretary Sir *George Murray* to Lieut.-General
Sir *James Kempt*, &c. &c. &c.

SIR,

Downing-street, 4th April 1829.

I HAVE the honour to acknowledge the receipt of your despatch of the 12th of February last, enclosing an Estimate for the completion of the Grenville Canal, and Plans and Estimates of the Canals proposed to overcome the obstructions to the navigation to the Ottawa at the Chûte à Blondeau and Carillon Rapids. I entirely approve of Major Du Vernet's suggestion, that those two Canals should be of somewhat diminished breadth, though of a sufficient width throughout to admit of the passage of a steam-boat of the largest class frequenting this navigation, with two "lay-by or passing places" for these boats.

My despatch of the 5th January last will have informed you of the amount to be appropriated in the present year in carrying on the Canals in Canada; and provided Major Du Vernet confines his expenditure on the Grenville Canal and the Chûte à Blondeau and Carillon Rapids to the sum granted by Parliament for this service, viz. £. 32,213. 6. 8., I am not aware of any objection to the execution of a proportion of the work by contract.

I have, &c.
(signed) *G. Murray.*

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 69.—LETTER from *R. W. Hay*, Esq. to *R. Byham*, Esq.
&c. &c. &c.

SIR,

Downing-street, 12th June 1829.

I AM directed by Secretary Sir *George Murray* to transmit to you, for the information of the Master General and Board of Ordnance, a copy of a despatch which has been received from Lieut.-General Sir *James Kempt*, enclosing a letter which had been addressed to him by Lieut.-Colonel *By*, reporting the rupture of the dam on the Rideau Canal.

I am, &c.
(signed) *R. W. Hay.*

No. 70.
13 April.

No. 70.—DESPATCH from Lieut.-General Sir *James Kempt* to the
Right Hon. Sir *George Murray*, &c. &c. &c.

SIR,

Quebec, 13th April 1829.

IT is with regret that I transmit to you the enclosed copies of a communication which I have just received from Lieut.-Colonel *By*, of the Royal Engineers, reporting that the dam at the Hog's Back, upon the Rideau, gave way on the 3d instant.

I am in possession of no other information upon the subject than Lieut.-Colonel *By*'s report affords; but I have directed the matter to be particularly investigated, and will not fail to communicate the result to you.

I have the honour to be, Sir,
Your most obedient humble servant,
(signed) *James Kempt.*

No. 71.

No. 71.—LETTER from Lieut.-Colonel *By* to Lieut.-General Sir *James Kempt*,
&c. &c. &c.

SIR,

Royal Engineer's Office, Rideau Canal,
4th April 1829.

IT is with the deepest regret I have to report for the information of your Excellency, that the dam at the Hog's Back failed on the morning of the 3d instant, and have the honour of enclosing a copy of my letter to General Mann on the subject, to which I beg to refer your Excellency for every information in my power to give relative to this unexpected and unfortunate occurrence.

I have the honour to be, &c.
(signed) *John By,*
L^t Col^l R^l Eng^r Com^d, Rideau Canal.

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 72.—LETTER from Lieut.-Colonel *By* to General *Mam*,
&c. &c. &c.

Royal Engineer's Office, Rideau Canal,
4th April 1829.

SIR,

I HAVE the honour to report, for the information of his Lordship the Master General and Right honourable and Honourable Board, that on Friday morning, 3d instant, the dam at the Hog's Back gave way, and in a few minutes about one-third of it was destroyed; fortunately no lives were lost, nor any damage done to the surrounding country.

This dam was nearly completed, and the water raised within four feet of the required height, which proves the practicability of the plan, and the correctness of our levels, as the water levels perfectly agreed with those taken by the instrument.

The way I account for the accident is this; the contractor having given up the work in November last, it became indispensably necessary to make every exertion to complete the dam before the spring floods commenced, it being the only chance of saving that part of the work which the contractor had performed; I therefore moved up to this work at the Hog's Back, such of the two companies of the Royal Sappers and Miners as could be spared, leaving a sufficient number to furnish guards for the magazines and military chest, and ordered that two officers should constantly be on duty at this work; from that period, Captain Victor, Royal Engineers, who had charge of the work, has scarcely been a day absent, and great praise is due to him and to the other officers, for their unremitting attention during the whole of this severe winter; and I have the satisfaction to state, that every exertion was made to accomplish the desired object of finishing the dam, but the severe frosts formed the earth above water into a solid mass, and when the spring floods came, the pressure of the water separated that which was not frozen from the congealed mass above, and caused a great leakage on the 28th March, which continued to increase, notwithstanding every exertion was made to stop it, until ten o'clock on the 3d of April, when the arch key work, 26 feet thick at the base, gave way about 15 feet above the foundation, and near the centre of the dam, with a noise resembling thunder. I was standing on it with forty men, employed in attempting to stop the leak, when I felt a motion like an earthquake, and instantly ordered the men to run, the stones falling from under my feet as I moved off.

The loss of work and materials, tools, &c. I estimate at between three and four thousand pounds.

Notwithstanding the present failure of this work, I beg leave to assure his Lordship the Master General and Right honourable and Honourable Board, that I do not entertain the least doubt of being able to establish the dam, but that to prevent a recurrence of a similar event to that which has just taken place, it appears evident that the whole of this work must be carried to its required height in one summer; but as the prevailing sickness renders all operations uncertain, before I commence re-constructing the dam, I propose again exploring the wilderness to the right and left, and taking fresh sections, with the hope of finding some way by which this bold undertaking may be avoided, although from the many examinations I have already given the country, I fear there is but little hope of finding a better route for the Canal at this place, in which case I shall commence re-constructing the dam the moment the spring floods have passed, and you may rely on my using every possible exertion to complete the work before the frost sets in.

I have the honour to be, &c.

(signed) *John By*,
Lieut' Col' R' Engineers Com^d, Rideau Canal.

No. 73.—LETTER from *R. W. Hay, Esq.* to *R. Byham, Esq.*
&c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

SIR,

Downing-street, 20 July 1829.

I AM directed by Secretary Sir George Murray to transmit to you the copy of a Despatch from Lieut.-General Sir James Kempt, inclosing a detailed Report from Lieut.-Colonel By, relative to the failure of the dam at Hog's Back, and also a Report from Lieutenant Pooley of the Royal Engineers, upon the precarious state of the dam at Smith's Falls, and I am to request that you will lay the same before the Master General and Board of Ordnance for their information.

I am, &c.

R. W. Hay.

No. 74.
30 April 1829.
No. 76.

No. 74.—DESPATCH from Lieut.-General *Sir James Kempt* to the
Right Hon. *Sir George Murray*, &c. &c. &c.

SIR,

Quebec, 30 April 1829.

WITH reference to my letter (No. 3.) of the 13th ultimo, upon the accident to the dam at Hog's Back upon the Rideau Canal, I have now the honour to transmit to you a detailed Report (No. 1.) upon that subject, which I have just received from Lieut.-Colonel By of the Royal Engineers, to whom the superintendence of that work is entrusted.

No. 70.

No. 75.

It is with great regret that I find it at the same time my duty to transmit a Copy of a Report from Lieutenant Pooley of the Royal Engineers, upon the precarious state of the dam at Smith's Falls.

No. 76.

I have directed Colonel Durnford, the Commanding Royal Engineer in Canada, to proceed without loss of time to the Rideau Canal, with a view to consult with Lieut.-Colonel By upon the most eligible mode of proceeding with that work during the approaching summer; but I have more especially directed his attention to the necessity of ascertaining the most effectual means of averting the recurrence of accidents of so serious a nature in future.

You are doubtless aware also that the Welland Canal has given way at the "Deep Cut," and I fear the damage sustained will greatly increase the original estimate for the completion of that work, and create greater difficulty in carrying on the undertaking than was apprehended.

I have, &c.

(signed) *James Kempt.*

No. 75.—REPORT on the Failure of the Dam at *Hog's Back* on the *Rideau Canal*.
Lieut.-Colonel *By* to Lieut.-Colonel *Couper*.

Royal Engineer Office, Rideau Canal,
23 April 1829.

SIR,

I HAVE the honour of acknowledging your letter of the 18th inst. just received, requiring further particulars relative to the failure of the dam at Hog's Back.

In answer to which I beg to state, for the information of his Excellency Sir James Kempt, that the failure of the dam is to be accounted for as follows: the Rideau River has been raised about 22 feet by the contractor, when he gave up the work in November last, and it was evident, that unless the water could be rendered passive, by its being raised above the Three Island Rapids, the rapidity of the current would carry all away in the spring, to prevent which I caused every exertion to be made, and the desired object was obtained, for we raised the water 41 or 42 feet perpendicular, and the Three Island Rapids were destroyed; our surface water extending on an uninterrupted level to the Black Rapids, the water, as also the ice, became passive; I constructed three booms at different parts of the river to hold back the said ice until it sunk or was dissolved, and I flattered myself our labours were completed, when unfortunately an extensive leak made its appearance and rapidly increased,

135.

L

notwithstanding

Correspondence
relative to the
Canal Communi-
cation in Canada.

PLAN, No. 4.

notwithstanding every exertion was made to stop it. It appears that the earth became one frozen mass from the surface water level of November last to the top of the dam, which is 43 feet above the said level, the dam being upwards of 60 feet high at the time of the accident; 45 feet is the required height, but I added 15 or 17 feet to the height, to give it greater strength, and made the base 200 feet thick.

You will perceive by the accompanying Section, that this whole mass of earth about the surface water level was 22 feet in November last, became one frozen mass, resting on the rocks on each side of the river, 180 feet apart; and such was the strength of this frozen mass of earth, that it remained perfect for some time after the torrent had swept all from under it, until the spray, rising with great force, striking the under part, gradually thawed it, and caused it to fall in large flakes, until it became so thin that its own weight broke it. The force of the water was such, that stones of two or three tons weight were tossed about as if they had been blocks of wood, and the frozen earth was carried over the Rideau Falls, a distance of between five and six miles; but as the frozen earth rested on the side rocks, and did not settle with the earth below, which was considerably compressed by the pressure of the water when raised to its height, the water found a passage between the frozen earth and that which was not frozen; but as the puddle behind the arch key work prevented the water from passing through the key work, this passage was not discovered until a sudden rise of the river on the 28th March, when the pressure became more than the unprotected puddle could resist, and it was washed through the arch key work from the height of 15 feet to the bottom; but this did not in the least affect the arch key work, therefore I believed it possible to save the dam, and made every exertion, notwithstanding which the leak increased until about ten o'clock in the morning of the 3d inst. when the water forced its way through the upper part of the puddle at the back of the arch key-work, and began to flow over the top without carrying off any of the coping stones. I then conceived that as the water had found a free passage all was safe; and said to Mr. Sargeant, the barrack-master, who stood on the arch key work near me, "You see what perseverance will do, the dam is saved." At which moment I felt it tremble, and instantly ordered the men to run. I stood and looked at it for a few seconds, when the stones fell from under my feet as I ran off. It appeared to give way in the centre of the dam, about 17 feet from the base, and in the strongest part. The cause of the failure being thus evident, there is no doubt of its ultimate success; but as the period for working at it is only from July to the end of November, great exertions are requisite, during the whole period, to insure its completion. I therefore propose forming it with timber, filled with rough stone, this season, and leaving the arch key work to be carried up at any future period; feeling convinced that if the work is well conducted during the summer, it must succeed, I therefore hope his Excellency will allow me a detachment of thirty men of the line, to furnish the necessary guards, as the guard duty prevents the non-commissioned officers of the Sappers being of so much use to me as they otherwise would be, and there are no persons I can hire, who are of equal value to them, and much depends upon every part of the dam being well executed.

I have, &c.

(signed) *John By,*

Lt Col. R^d Engineers Com^d, Rideau Canal.

No. 76.—REPORT on the precarious state of the Dam at *Smith's Falls*.
Lieutenant *Pooley* to Lieutenant-Colonel *By*.

Royal Engineer Office, Edmund's Rapids,
23d April 1829.

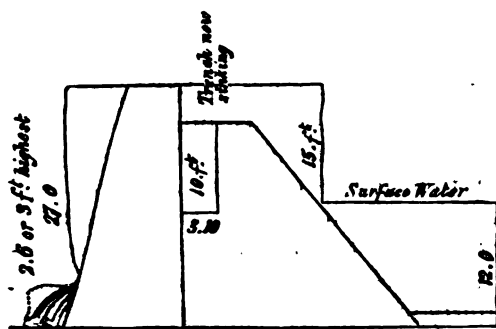
SIR,

I THINK it my duty to report to you, by a messenger express, the dangerous state in which I fear the dam at Smith's Falls is at present. About five o'clock, P. M. of the 20th instant, a leakage was first observed through the arch key work, issuing from it about the top of the lower course, two feet six inches or three feet from the bottom, and extending from west abutment across, to about centre of course, coming through muddy, evidently washing away the puddle. Upon this alarm, a body of about thirty men set to work, excavating behind the key work, in order, by sinking a trench, to discover where the run of water proceeds from, and then to choke and repuddle it; the clay being hard frozen about six or seven feet deep, little progress was made; the working parties were regularly relieved all night, but the

thunder

thunder storm and heavy rains precluded the possibility of doing much work. By three o'clock in the morning the rush of water through the key work had considerably increased since first discovered, and by day-light, when I visited it, the leak extended along the lower course from west abutment, two-thirds across the dam, the greatest quantity issuing from about the centre, muddy with the puddle; level of water above dam not perceptibly lowered. Mr. Rykert being absent at Brockville, I directed his foreman to persevere sinking behind the key work, over the principal rush of water, and to collect at hand a quantity of fresh puddle, brushwood, sheeting poles, horse dung, &c. to choke it as expeditiously as possible on discovering the run of it; other parties were at work wheeling in clay in front of the dam, opposite the leaks, but with no effect; they continued to work yesterday, and last night. To day Mr. Rykert having returned, I found him pursuing the same plan, but there is so little energy manifested by his workmen or foremen, who do not appear to be competent to conduct a work of this nature, and so indifferently supplied with tools, that I cannot refrain from expressing my apprehension as to the result. The excavating party had not got down below frost, although about seven feet deep, and had been blasting all the morning. The rush of water had not however much increased, although this evening I thought it was rather gaining ground. Mr. Rykert is of opinion, that the water issues from the fissures of the rock forming west abutments of dam, and from thence follow the line of puddles until it escapes through a key work, or insinuates itself between the artificial work and natural bank, and circumstances seem rather to favour such an opinion; and a considerable stream certainly rushes from the rock or natural bank of river just below this abutment, through the numerous fissures to be seen on surface of the rock in river just above Rykert's store. A small clay dam having been run across the little bight from corner of Rykert's store to dam the water inside, it all escaped through the fissures and left it perfectly dry, but made no perceptible difference in the run of water, either through the rocky bank below the dam or the key work.

SECTION.



This Section will explain where the water is making its escape through the key work about nine feet at least below the level of surface water above the dam, and as no alteration has yet taken place in its position, or no additional leaks burst out above the points there represented, I am inclined to think it will be found to get through the puddle at abutment, in which case, I request your instructions as to the means you wish to be adopted, permanently to protect the

line of puddle at that point; for any attempt to choke the numberless fissures in the rock would, in my humble opinion, be attended with no hope of success.

I have the honour to inform you, that the dam at Old Sly's seems perfectly secure, no water gets through it at any part. The (A.) key work across the gap at east abutment, which was the original waste channel, has been carried up to the same height as the rest, and the water completely stopped by the puddling behind it. The old coping has been replaced by another substantial course the whole length of the dam, and is now leveling off with a coping at that height. I have given directions to Mr. Richardson to continue raising the clay parts, and he has been extremely since the alarm at Smith's Falls, making every preparation and using every precaution to resist any sudden rush of water that would come down in the event of a breach being made through the dam at Smith's Falls; and I see no reason to apprehend any danger at Old Sly's. The waste weir carries off the surplus water of the floods. The rise of the river since 13th instant by $5\frac{1}{2}$ inches having gradually risen by inches only.

Anxious to receive your instructions,

I have, &c.

(signed)

H. Pooley, L^t R^l Eng^r.

P. S. 23d April 1829.—Having visited the work at Smith's Falls early this morning, I found it much in the same state as yesterday, the water through the key work not abated, coming through occasionally coloured by the earth and thrown in above the dam; level of water above dam has varying scarcely any in height since 21st instant. Trench behind key work sunk about ten feet. I lose no time in dispatching this communication to you.

(signed)

H. Pooley, L^t R^l Eng^r.

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 77.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 28th July 1829.

No. 78.

I AM directed by Secretary Sir George Murray to transmit to you the copy of a letter from the Secretary to the Board of Ordnance, stating that it will be necessary to increase the vote for the Rideau Canal to the sum of £.140,000. for each of the years 1830 and 1831, if the work is to be completed in 1831, which the Master General and Board of Ordnance are induced to recommend, both as a measure of importance and very considerable economy; and I am to request that you will submit the same to the Lords Commissioners of the Treasury, for their Lordships' consideration and decision.

I am, &c.

(signed) *R. W. Hay*.

No. 78.—LETTER from *R. Byham*, Esq. to *R. W. Hay*, Esq.
&c. &c. &c.

SIR,

Office of Ordnance, 8th July 1829.

ADVERTING to your letter dated 12th ultimo, transmitting the copy of a despatch from Lieutenant-General Sir James Kempt, enclosing an abridged Report of the proceedings of Lieutenant-Colonel By on the Rideau Canal to the 1st March last, and statement of the expense which has been incurred upon it to that period;—

I am commanded to acquaint the Master-General and Board of Ordnance have perused these papers, and they request the attention of Secretary Sir George Murray to the opinion expressed by Lieutenant-Colonel By in his letter of the 20th November last, "that the Canal may be completed on the 12th August 1831, if he be allowed £.137,200. in each of the years 1829, 1830, 1831;" on this his Lordship and the Board beg to observe, that for the year 1829, £.130,666. only has been allowed, and that it will therefore require in round numbers £.140,000. for each of the years 1830 and 1831, if the work is to be completed in 1831, which, as a measure of very considerable economy as well as of great consequence, the Master General and Board of Ordnance would recommend should be accomplished, by the allotment of the required sum of £.140,000. in each of the two next years.

I have, &c.

R. Byham.

No. 79.—Copy of TREASURY MINUTE, dated 4 August 1829.

READ a letter from Mr. Hay, dated 28 July 1829, transmitting, by desire of Secretary Sir George Murray, the copy of a letter from the Secretary to the Board of Ordnance, of the 8th ultimo, stating that it will be necessary to increase the vote for the Rideau Canal to £.140,000. for each of the years 1830 and 1831, if the work is to be completed in 1831, which the Master General and Board of Ordnance are induced to recommend, both as a measure of importance and very considerable economy.

Write to Mr. Byham that My Lords have had before them a copy of his letter of the 8th July last, addressed to Mr. Under Secretary Hay, recommending that a vote for £.140,000. should be submitted to Parliament for each of the years 1830 and 1831, to complete the Rideau Canal; in which letter Mr. Byham refers to one of the 20th November 1828, from Lieutenant-Colonel By, desiring to be allowed £.137,200. in each of the years 1829, 1830 and 1831, and My Lords request that Mr. Byham will move the Master General and Board of Ordnance to furnish them with a copy of Lieutenant-Colonel By's letter alluded to, and to favour them with any observations which may have occurred to them upon it, with reference to the Report of the Committee formed by General Sir James Kempt, Lieutenant-Colonel

Fanshawe

Fanshawe and Lieutenant-Colonel Lewis, of the 28th June 1828, in which they dissent from the estimate of Lieutenant-Colonel By, amounting to £.576,757. 14. 9., and report their opinion that £.558,000. would be amply sufficient to complete the Canal with all probable contingencies that may occur; and as £.166,000. had already been provided, there remained only £.392,000. to be granted by Parliament in the years 1829, 1830 and 1831, to make up the sum of £.558,000; and a grant of £.130,000. having been obtained in the last session, there now remains £.262,000. to be voted in 1830 and 1831, which is £.18,000. less than the sum proposed in Mr. Byham's letter to Mr. Hay, of the 8th July last.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Write to Mr. Hay requesting he will move Secretary Sir George Murray to transmit to their Lordships a copy of the despatch of Lieutenant-General Sir James Kempt, inclosing an abridged Report of the proceedings of Lieutenant-Colonel By on the Rideau Canal, to the 1st March last, and a statement of the expense which had been incurred upon it up to that period, copies of which papers appear to have been transmitted by Mr. Hay to the Board of Ordnance, as My Lords deem it necessary to receive that information before they can judge of the propriety of applying to Parliament for a further grant of £.280,000, which exceeds by £.18,000. the estimate which was sanctioned on the 28th June 1828, by Lieutenant-General Sir James Kempt and the Committee of Engineers.

No. 80.—LETTER from *R. W. Hay, Esq.* to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 20th August 1829.

I HAVE laid before Secretary Sir George Murray your letter of the 11th instant, and in compliance with the request of the Lords Commissioners of the Treasury, I am directed to transmit to you the copy of a despatch from Lieutenant-General Sir James Kempt, inclosing an abridged Report of the proceedings of Lieutenant-Colonel By, on the Rideau Canal, to the 1st March last, and a statement of the expenses which had been incurred upon it up to that period.

No 81.
1 April 1829.

I am, &c.

R. W. Hay.

No. 81.—DESPATCH from Lieutenant-General Sir *James Kempt* to the
Right Hon. Sir *George Murray*, &c. &c. &c.

SIR,

Quebec, April 1, 1829.

HAVING found the Report of progress upon the Rideau Canal, submitted at the close of each year by Lieutenant-Colonel By, the commanding Royal Engineer upon that station, a document of a very detailed and voluminous description, I requested that officer to prepare an abridgment of it, comprehending the information it affords in a more concise and condensed form.

A copy of this abridgment (No. 2.) I do myself the honour to enclose, by which you will perceive the actual state of that Canal on the 1st ultimo, and the expense incurred upon it to that period, amounting to £.186,370. 1. 8 $\frac{1}{2}$. sterling

No. 83.

£.186,370. 1. 8 $\frac{1}{2}$.
Sterling.

I also transmit an extract of a letter from Lieutenant-Colonel By, dated November 20th, 1828, (No. 3. page 17.) whereby he expresses his opinion that the Canal may be completed on the 12th of August 1831, if an annual expenditure upon the work of £.137,200. to that period were authorized.

No. 84.
£.137,200.

I have the honour to be, &c.

James Kempt.

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 82.—LETTER from Lieutenant-Colonel *By* to Colonel *Durnford*,
&c. &c. &c.

SIR,

Royal Engineer's Office,
Rideau Canal, 16th March 1829.

I HAVE the honour of enclosing a Report showing the quantity of work executed in each section of the Rideau Canal, and the sum of money expended on that service from its commencement in September 1826 up to the 1st of March 1829, as called for by his Excellency Sir James Kempt, by letter dated 3d instant, and I shall feel obliged by your laying the same before his Excellency. I have the satisfaction to report, that on Friday I raised the Rideau River at the Hog's Back to the height of forty-one feet perpendicular, which is within six feet of the height I expect the water will ever rise in time of floods. The arch key work was closed on Saturday; and the bridge of communication leading from the dam to the stone quarry finished. I have taken the precaution of constructing three booms at different parts of the river above the said dam at the Hog's Back, to prevent the waste weir being choked with drift timber, and I have ordered a guard to be placed at each boom to prevent the rafts men destroying them; and having made these arrangements, and the works appearing perfectly out of danger, I leave this for Jones' Falls to-morrow, to look after the dam at that place, which Lieutenant Briscoe reports he has had taken down, and recommended building agreeable to my orders.

I have the honour to be, &c. &c.

(signed) *John By*,

Lt Col^l R^l Engineers Com^d, Rideau Canal.

No. 83.—ABRIDGED STATEMENT of the PROGRESS of the WORKS of the RIDEAU NAVIGATION, under the superintendence of Lieutenant-Colonel *By*, Royal Engineers, taken 1st March 1829.

| SECTIONS. | PLACE or SERVICE. | NATURE OF SERVICE, and AVERAGE OF WORK PERFORMED. | CASH disbursed on each Section, up to the 1st March 1829. |
|-----------------|--|--|--|
| | | | £. s. d. |
| Section, No. 1. | Entrance Valley - - | -- Chopping, clearing and grubbing completed; excavations about four-fifths finished; masonry of the three upper locks nearly finished; inverted arch and foundation of side walls of lower lock laid; about three-eighths of the whole masonry is built, and nearly a sufficient quantity of cut and rough stone prepared for the ensuing season; the backing and puddling behind the walls of the three upper locks are raised as high as the masonry; the gates for the locks, with sluice gates, &c. are in progress, as well as the iron work for ditto, about one-fourth done; pointed sills for lower lock gates completed; sheeting piles driven in the three upper breast works and lower pointed sill. | |
| | The cut stone Bridge, at the head of Entrance Valley. | -- About four-fifths finished; the parapet walls not yet constructed; the approach at the eastern end nearly completed, say about three-fourths; a considerable quantity of rough stone prepared to be cut next season - | |
| | Excavations from first eight locks to Dow's Great Swamp. | -- Rock excavation, near Stone Bridge, about three-fourths finished; earth in Beaver Meadow and Deep Cut about one-fourth completed; embankment, lower end of Natural Gully, completed; grubbing on the foregoing completed; grubbing in the Natural Gully about two-thirds finished; excavations from upper end of Natural Gully to Dow's Great Swamp about one-fourth finished; grubbing about three-fourths done; clearing on the whole of the foregoing nearly completed. | |
| | Dow's Great Swamp - | Large mound nearly completed, say 24-25ths; scite of smaller mound about half cleared. | |

No. 83.—Abridged Statement of the Progress of the Works of the Rideau Navigation—*continued.*

| SECTIONS. | PLACE or SERVICE. | NATURE OF SERVICE, and AVERAGE OF WORK PERFORMED. | CASH disbursed on each Section up to the 1st March 1879. |
|--------------------------------------|--|---|---|
| | | | £. s. d. |
| Section, No. 1— <i>continued.</i> | From Dow's Swamp to the Hog's Back. | -- Excavation one-third done; grubbing two-thirds done; and a considerable quantity of the ashlar for the two locks south side of Dow's Swamp, has been drawn to the spot, as well as sand, &c. not yet measured; clearing the land nearly completed; mounds or embankments across the mouth of Bugle and Peter's Gulley formed, about seven-eighths, and latter one-third done. | |
| | Works at Hog's Back - | -- Dam three-fourths finished; water raised about thirty feet; a quantity of the ashlar and rough stone for the locks, sand, &c. drawn to the spot, not yet measured; excavation for the locks and upper entrance one-third done; clearing of land nearly completed. | |
| | From Hog's Back to Black Rapids. | Deepening shoals, &c. not yet commenced. | |
| | Works at the Black Rapids | -- Dam about three-fourths finished; clearing completed; excavation of lock pits completed; of lower and upper entrance about half done; masonry of the lock about three-fourths finished; lower pointed sill laid; ashlar and rough stone to complete the lock, drawn to the spot; lock-master's house nearly finished; backing and puddling of lock completed, nearly as high as the masonry of side walls about two-thirds finished. | |
| | Works at Long Island - | -- Dam about three-fourths finished; clearing and grubbing completed; excavations for lock and entrance about half finished; masonry of the upper lock about half finished; a quantity of cut and rough stone prepared on the spot; lock-master's house nearly completed; embankment west side of river nearly finished. | |
| | Works at Long Island Still Water. | Deepening shoals, &c. not commenced. | |
| | | Sum expended on the First Section - £. | 81,713 - 9 ½ |
| Section, No. 2. | Burrett's Rapids - - | -- Chopping and clearing finished; grubbing about half done; excavations about three-fourths done; a quantity of rough stone raised for the dam, and cut and rough stones for lock quarried, some of which are drawn to the spot, not yet measured - - - - - | 1,650 - - |
| Section, No. 3. | Nicholson's Rapids - - | Clearing and grubbing half done; a quantity of cut stone drawn to the spot, not measured - - - - - | 1,450 - - |
| Section, No. 4. | Clowe's Quarry - - | -- Dam about one-third finished; excavation for lock completed; of lower entrance about three-fourths done; masonry of lock commenced, about one-fourth done; half the quantity of cut stone required is on the spot - - - | 6,444 11 8 ½ |
| Section, No. 5. | Merrick's Mills - - | -- Chopping and clearing finished; excavation of lock-pits, basin, and line of canal, about half done; masonry of middle lock about one-fourth done; three-fourths of the cut and rough stone, sand, &c. required, drawn to the spot; dam not commenced; wooden pointed sill framed, but not laid - - - - - | 5,448 15 8 ½ |
| Section, No. 6. | Maitland's Rapids - - | -- Chopping, clearing, &c. finished; excavation for lock pit finished; for line of canal about half done; half of the cut and rough stone required, on the spot - - - | 3,330 - - |
| Section, No. 7. | Edmond's Rapids - - | Clearing about half finished. No cash yet drawn by the contractors on this work. | |
| Section, No. 8. | Phillips' Bay - - | Not commenced. | |
| Section, No. 9. | Old Sly's Rapids - - | -- Dam nearly finished; foundation of upper breast work laid; cut stone for the two locks drawn to the spot; clearing completed; excavations for locks finished; ditto through point of land below the locks about half done - - - - - | 5,700 - - |

No. 23.—Abridged Statement of the Progress of the Works of the Rideau Navigation—*continued.*

| SECTIONS | PLACE OF SERVICE. | NATURE OF SERVICE and AVERAGE OF WORK PERFORMED. | CASH disbursed on each Section up to the 1st March 1829. | | |
|----------------------------------|-----------------------------|--|---|----|-----------------|
| | | | £. | s. | d. |
| Section, No. 10. | Smith's Falls - - - | -- Clearing, grubbing, &c. completed; dam about three-fourths finished; excavation for lock-pits only commenced; embankment at head of Horner's Sluice half done; half of the quantity of cut stone drawn to the spot, and one-sixth of ditto in the quarries - - - | 6,180 | - | - |
| Section, No. 11. | First Rapids on the Rideau | -- Clearing nearly completed; grubbing one-tenth done; excavations one-twelfth; a small quantity of cut and rough stone for lock drawn to the spot, not measured, some in the quarries; dam not commenced - - - | 1,000 | - | - |
| Section, No. 12. | Oliver's Ferry - - - | Not commenced. | | | |
| Section, No. 13. | Upper Narrows Rideau Lake | Not commenced. | | | |
| Section, No. 14. | Isthmus Rideau Lake - | Chopping and clearing nearly finished; excavating about one-twelfth part done - - - - - | 1,761 | 13 | 4 |
| Section, No. 15. | Isthmus Indian Lake - | This work is about two-thirds done - - - - - | 50 | - | - |
| | Chaffey's Mills - - - | -- Chopping and clearing completed; excavation for waste weir half finished; nine-tenths of cut stone for the locks are drawn to the spot; excavations for the locks commenced - - - - - | 3,291 | 11 | 5 $\frac{1}{2}$ |
| Section, No. 16. | Davis' Rapids - - - | -- Chopping and clearing completed; dam not commenced; cut and rough stone for lock two-thirds on the spot; about one-sixth in the quarry; excavation for lock and line of canal only commenced; coffer-dam made - - - - - | 1,362 | - | - |
| Section, No. 17. | Jones' Falls - - - | -- Chopping and clearing completed; excavations for locks two-thirds done; nearly all the cut stone for the locks drawn to the spot; wooden pointed sills commenced; iron work for ditto forwarded to the place; limestone and cord wood to burn lime provided; dam commenced; about one-twelfth finished; a large quantity of rough free-stone in blocks for arch key work of dam is provided on the spot, these, as well as the cut stone for locks, are brought a distance of five and a half miles; an excellent double railway is laid to lower the stones on the dam, which is progressing briskly - - - | 9,837 | 8 | 2 $\frac{1}{2}$ |
| Section, No. 18. | Cranberry Lake - - - | -- Clearing trees, &c. from the drowned land nearly completed; removing the temporary dams at Round Tail and White Fish Falls, and constructing a waste weir at the latter place, not yet commenced - - - | 1,021 | 8 | 4 $\frac{1}{2}$ |
| Section, No. 19. | Brewer's Upper Mills - | -- Cut and rough stones for locks in operation; about half the quantity required is provided; clearing and excavating between Upper and Lower Mills in progress, not yet measured - - - - - | 1,641 | 3 | 10 |
| Section, No. 20. | Brewer's Lower Mill - | A quantity of cut stone (about one-fourth of what will be required) is provided on the spot. | | | |
| Sections, No. 21 & 22. | Belldore's and Jack's Riffs | -- The locks at these two sections are not required, as the lift will be obtained at Kingston Mills; but two-thirds of the clearing indispensably necessary, one-fifth of the grubbing, and about one-fourth of the excavations are performed - - - - - | 3,136 | 5 | 6 $\frac{1}{2}$ |
| Section, No. 23. | Kingston Mills - - - | -- Clearing, &c. completed; excavations for locks about two-thirds done; dam three-fourths built; cut and rough stones for the locks, about three-fourths of the quantity required in the quarry; coffer-dam at the head of Kingston Bay commenced - - - - - | 8,320 | 10 | - |
| Civil and Military Establishment | - - - | -- Extra pay and allowances of officers of Royal Engineers, Royal Sappers and Miners; pay and allowances of barrack-master and paymaster, pay of clerks and overseers of works, &c. including expense of erecting barracks, hospital, cook-houses, &c. - - - - - | 20,471 | 4 | 5 $\frac{1}{2}$ |

No. 83.—Abridged Statement of the Progress of the Works of the Rideau Navigation—continued.

| | | NATURE OF SERVICE, and AVERAGE OF WORK PERFORMED. | CASH disbursed on each Section, up to the 1st March 1829. |
|----------------------------|-----------------------|---|--|
| | | | £. s. d. |
| General Con- tingencies | On Estimate - - - | -- Stone storehouses, temporary barracks, engineer yard, survey of canal route, bridge at Falls of Chaudière, roads of communication, &c. &c. &c. - - - | 9,979 3 7 |
| | Not on Estimate - - - | -- Tools, ropes, charcoal, lumber of sorts, &c. compensation for damages in sundry places, postage of letters, stationery, conveyance of stores and materials, carpenters and smiths' shops, scows, &c. &c. &c. - - - | 14,151 17 2 $\frac{1}{2}$ |
| | | Deduct Amount repaid for Tools, &c. supplied to Contractors - - - - - | £. 187,840 14 2 1,470 12 5 $\frac{1}{2}$ |
| | | Amount of Expenditure to 1st March 1829 - £. | 186,370 1 8 $\frac{1}{2}$ |

N. B.—The number of the Sections may be ascertained by a reference to the Plan of the Canal.

(signed) John By,

L^t Colonel Roy^l Eng^r Com^d, Rideau Canal.

No. 84.—LETTER from Lieut.-Colonel By to Lieut.-Colonel Couper,
&c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Royal Engineer Office, Rideau Canal,
20th November 1828.

SIR,

I HAVE the honour of transmitting, for the information of his Excellency Sir James Kempt, the Progress Report of Works and Expenditure on the Rideau Canal, from its commencement on the 21st September 1826 to the 1st of November 1828, at which date I had expended £.141,313. 15. 5 $\frac{1}{2}$.; and between the 1st and 20th instant, I have paid £. 12,003. 5. 11 $\frac{1}{2}$. making my total disbursements, £. 153,317. 1. 5 $\frac{1}{2}$. which leaves a balance of only £. 12,682. 18. 6 $\frac{1}{2}$. of which I suppose £. 5,000. is due to the various contractors, as we never advance the full value on the cut stone until it is measured in the wall; and I have the satisfaction of stating, that although my operations have been much retarded by the restricting of my expenditure, in the commencement of the present year, to £. 41,000. until the Committee of the 29th of June authorized my expending £. 105,000, and the sickness among my men and officers, which created a sad stagnation in the works, yet, taking these unexpected events into consideration, there has been an astonishing quantity of work performed, as fully detailed in the accompanying Report.

The line of bridges erected across the Ottawa at the Chaudière Falls is completed; and although the great Kettle Bridge was destroyed by the chains breaking on 2d of April last, it has been rebuilt, and that service completed at an excess of only £. 372. 14. 4 $\frac{1}{2}$. on the original estimate. The traffic appearing very great, I have ordered a toll-house and gates to be erected, and the following Notice to be fixed at the gate, and conceive the tolls will produce at least £. 100. currency per year; which will be paid, as collected, into the military chest, until I receive instructions on that subject—

“ These Bridges across the Chaudière Falls having been built at the expense
“ of His Majesty’s Ordnance, Orders are given, That no Persons whatever
“ shall be permitted to pass until they have paid one Penny; one Penny also
“ to be paid for every horse, mare, gelding, ox, cow, calf, sheep, lamb and
“ pig; and Two-pence for every waggon, sleigh or carriage, until the pleasure
“ of His Majesty’s Ordnance is known.

(signed) “ John By, L^t Col^l R^l Eng^r.”

M

Correspondence
relative to the
Canal Communi-
cation in Canada.

I have succeeded in making the mound across Dow's Great Swamp water-tight, which places beyond all doubt the practicability of converting that unhealthy swamp into a fine sheet of water, and does away with the original idea of forming an aqueduct in the centre of the said mound, and a considerable saving will be made in consequence. I have also succeeded in raising the Rideau River at the Hog's Back 27 feet perpendicular, and am now busily employed in carrying on that work, in thickening the base, and completing the arch key work across the river, which was injured by the spring floods carrying away the temporary dam; and I have every reason to hope by this time next year to have the water raised to the required height of 45 feet, as at present I have met with nothing to create a doubt of the practicability of the plan; and if I am allowed to expend £.137,215. 11. 10½. in 1829, 1830 and 1831, I am confident the whole of the proposed works will be completed by the 12th August 1831, but I shall require the assistance of six officers of Royal Engineers in addition to those I have now the honour of commanding, to ensure the masonry and other works being well executed.

I have the honour to be, &c. &c.

(signed) *John By,*
L^t Col^l R^l Eng^s Com^d, Rideau Canal.

No. 85.—LETTER from Secretary to Ordnance Office to the Hon. *J. Stewart,*
&c. &c. &c.

SIR,

Office of Ordnance, 28th August 1829.

HAVING submitted to the Board of Ordnance your letter, dated 7th instant, stating that the Lords Commissioners of His Majesty's Treasury have had before them a copy of my letter of 8th July last, addressed to Mr. Under Secretary Hay, recommending that a vote for £.140,000. should be submitted to Parliament for each of the years 1830 and 1831, to complete the Rideau Canal, in which letter reference is made to one of the 20th November 1828, from Lieut.-Colonel By, desiring to be allowed £.137,200. in each of the years 1829, 1830 and 1831, and signifying the desire of the Lords Commissioners to be furnished with a copy of Lieut.-Colonel By's letter, together with any observations which may have occurred to the Master General and Board thereon, with reference to the Report of the Committee formed by General Sir James Kempt, Lieut.-Colonel Fanshawe, and Lieut.-Colonel Lewis, of 28th June 1828, in which they dissent from the estimate of Lieut.-Colonel By, amounting to £.576,757. 14. 9½. and report their opinion that £.558,000. would be amply sufficient to complete the Canal with all probable contingencies that may occur;—

I am commanded by the Board of Ordnance to transmit to you, as desired by the Lords of the Treasury, a copy of Lieut.-Colonel By's letter of 20th November 1828, and have to request you will inform their Lordships that the Lieutenant-Colonel does not appear to have been in possession of the reduced estimate for the Rideau Canal formed by the Committee, of which Sir James Kempt was President.

Before the amount proposed by the Committee, namely £.558,000, is finally assumed as sufficient, the Board are of opinion it will be advisable to furnish the Commanding Engineer in Canada with a copy of the Committee's Report, so far as relates to calculations, in order that he may report regarding the reduction of £.18,000. as proposed by the Committee; and the Board beg to suggest to the Lords of the Treasury, that in the meantime the sum of £.140,000. be the amount to be voted for 1830, leaving the remainder open for future consideration.

The Board, on receiving their Lordships' acquiescence, will make the proposed communication to the Commanding Royal Engineer in Canada.

I have the honour, &c.

(signed) *G. Butler,*
(for the Sec^y.)

No. 86.—LETTER from Lieut.-Colonel *By* to Lieut.-Colonel *Couper*,
&c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Royal Engineer Office, Rideau Canal,
20th Nov. 1828.

SIR,

I HAVE the honour of transmitting, for the information of his Excellency Sir James Kempt, the Progress Report of Works and Expenditure on the Rideau Canal, from its commencement on the 21st September 1826 to the 1st November 1828, at which date I had expended £.141,313. 15. 5½., and between the 1st and 20th instant, I have paid £.12,003. 5. 11½., making my total disbursements £.153,317. 1. 5½., which leaves a balance of only £.12,682. 18. 1½. of which I suppose £.5,000. is due to the various contractors, as we never advance the full value on the cut stone until it is measured in the wall; and I have the satisfaction of stating, that although my operations have been much retarded by the restricting of my expenditure in the commencement of the present year to £.41,000, until the Committee of the 29th of June authorized my expending £.105,000, and the sickness among my men and officers, which created a sad stagnation in the works, yet taking these unexpected events into consideration, there has been an astonishing quantity of work performed, as fully detailed in the accompanying Report.

The line of bridges erected across the Ottawa, at the Chaudière Falls, is completed; and although the great Kettle Bridge was destroyed by the chains breaking on 2d April last, it has been rebuilt, and that service completed at an excess of only £.372. 14. 4½. on the original estimate.

The traffic appearing very great, I have ordered a toll-house and gates to be erected, and the following Notice to be fixed at the gate, and conceive the tolls will produce at least £.100. currency per annum, which will be paid, as collected, into the military chest, until I receive instructions on that subject:—

“ These Bridges across the Chaudière Falls having been built at the expense
“ of His Majesty’s Ordnance, Orders are given, That no Persons whatever
“ shall be permitted to pass until they have paid one Penny; one Penny
“ also to be paid for every horse, mare, gelding, ox, cow, calf, sheep, lamb
“ and pig; and Two-pence for every waggon, sleigh or carriage, until the
“ pleasure of His Majesty’s Ordnance is known.

“ *John By*, L’ Col’ R’ Engineers.”

I have succeeded in making the mound across Dow’s Great Swamp water-tight, which places beyond all doubt the practicability of converting that unhealthy swamp into a fine sheet of water, and does away with the original idea of forming an aqueduct in the centre of the said mound, and a considerable saving will be made in consequence. I have also succeeded in raising the Rideau River at the Hog’s Back 27 feet perpendicular, and am now busily employed in carrying on that work, in thickening the base, and completing the arch key work across the River, which was injured by the spring floods carrying away the temporary dam; and I have every reason to hope by this time next year, to have the water raised to the required height of 45 feet, as at present I have met with nothing to create a doubt of the practicability of the plan; and if I am allowed to expend £.137,215. 11. 10½. in 1829, 1830 and 1831, I am confident the whole of the proposed works will be completed by the 12th August 1831; but I shall require the assistance of six officers of Royal Engineers, in addition to those I have now the honour of commanding, to ensure the masonry and other works being well executed.

I have, &c.

(signed) *John By*.

No. 87.—Copy of TREASURY MINUTE, dated 10th September 1829.

READ a letter from Mr. Hay, dated 20th August last, transmitting, as requested by the letter from this Board of the 11th of that month, the copy of a despatch from Lieut.-General Sir James Kempt, enclosing an abridged Report of the proceedings of Lieut.-Colonel *By* on the Rideau Canal to the 1st March last, and a Statement of the Expenses which had been incurred upon it up to that period.

135.

M 2

Read

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cation in Canada.

Read also a letter from the Secretary to the Ordnance, dated 28th ultimo, transmitting, as desired by the letter from this Board of the 7th of that month, a copy of Lieut.-Colonel By's letter of the 20th November 1828, desiring to be allowed £. 137,200 in each of the years 1829, 1830 and 1831, for the Rideau Canal, and the Secretary to the Ordnance at the same time states, that the Lieut.-Colonel does not appear to have been in possession of the reduced estimate for the Rideau Canal formed by the Committee, of which Sir James Kempt was President, alluded to in the above letter from this Board.

Before the amount proposed by the Committee, namely, £. 558,000, is finally assumed as sufficient, the Board of Ordnance are of opinion, it will be advisable to furnish the Commanding Engineer in Canada with a copy of the Committee's Report, so far as relates to the calculations, in order that he may report regarding the reduction of £. 18,000, as proposed by the Committee; and the Board suggest to their Lordships, that in the mean time the sum of £. 140,000. be the amount to be voted for 1830, leaving the remainder open for further consideration.

Transmit copy of Mr. Hay's letter and enclosures to the Secretary of the Ordnance, for the information of the Master General and Board, and acquaint him, with reference to his letter of the 28th ultimo, that although the whole amount of the estimate of the Committee which remains to be provided is £. 262,000. only, My Lords will submit to Parliament a vote for £. 140,000. in the next session, as recommended by the Master General and Board, leaving £. 122,000. to be voted in the year 1831; and My Lords request that Lieut.-Colonel By may be called upon to report in the fullest detail, and without delay, on the estimate of the Committee, and that his Report may be submitted to the Committee, for their observations, with reference to their estimate of £. 558,000, as My Lords will not propose to Parliament to grant a larger sum than is sufficient to complete the estimate of £. 558,000, without the most clear and satisfactory evidence of the necessity.

No. 88.—LETTER from *R. Byham, Esq.* to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 23d September 1829.

HAVING laid before the Board your letter of the 18th instant, respecting the estimates for the Rideau Canal;—

I am directed to acquaint you, for the information of the Lords Commissioners of His Majesty's Treasury, that agreeably to their Lordships' desire Lieut.-Colonel By will be called upon for the detailed Report required upon this subject.

I have the honour to be, Sir,

Your most obedient humble servant,

R. Byham.

No. 89.—LETTER from *R. W. Hay, Esq.* to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 19th November 1829.

I AM directed by Secretary Sir George Murray to transmit to you the copy of a despatch from Lieutenant-General Sir James Kempt, dated the 20th September last, stating, that in compliance with the recommendation of Lieutenant-Colonel Durnford, commanding Royal Engineers in Canada, he had purchased certain lots of land at the Hog's Back, on the Rideau Canal; I am to request that you will lay the same before the Lords Commissioners of the Treasury, for their Lordships' information, acquainting their Lordships that Sir George Murray is of opinion, that Sir James Kempt has acted with a just view to the public interest, and in fact has only anticipated the instructions which have been conveyed to him on this subject.

I am, Sir,

Your most obedient servant,

R. W. Hay.

No. 90.—DESPATCH from Lieut-General Sir *James Kempt* to the
Right Hon. Sir *George Murray*, &c. &c. &c.

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relative to the
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cation in Canada.

SIR,

Chateau St. Lewis, Quebec, 20th Sept. 1829.

WITH reference to my letter (No. 35), dated 2d April 1829, upon the purchase of certain lots of land at the Hog's Back, on the Rideau Canal, belonging to Dr. Munro and to Mr. R. D. Fraser, I have now the honour to transmit extracts of letters from Colonel Durnford, commanding Royal Engineers in Canada, (No. 1), and from Lieut-Colonel By, commanding Royal Engineers upon the Rideau Canal, (No. 2), urging the immediate necessity of buying those lands.

No. 91.

No. 92.

As it appears by the representations of those officers, that the verdict of a jury would most probably award a larger sum in compensation of the damages which those lands have sustained from persons employed upon the Canal, than the price at which their proprietors offer them for sale; as a further delay in their purchase would not only subject the public to an increased demand from the proprietors, but also to the probability of their being bought by unprincipled speculators, with a view to subsequent imposition upon Government, (an expedient which has already been too successfully practised on the line of this Canal), and as there can be no doubt that its completion will greatly enhance the value of all land in its vicinity, I have been induced, at the earnest solicitations of those officers, to authorize the purchase of the lots of Mr. Fraser and Dr. Munro.

The situation of those lots is described in the enclosures of my letter, (No. 35.) dated 2d April last. That of Dr. Munro on the right bank of the Rideau, comprising 900 acres, he now offers *without reserve* for One thousand pounds sterling; and that portion of Mr. Fraser's on the left bank of that River, which remains (after the purchase of the 45 acres formerly made by Lieut.-Colonel By) consisting of 455 acres, is offered for Three hundred and eighty pounds sterling, in all One thousand three hundred and eighty pounds sterling, the amounts which I have authorized to be paid for those lots.

£. 1,000 sterling.

£. 380 sterling.

£. 1,380 sterling.

It is with great reluctance that I depart, even upon the most urgent occasions, from the rule by which I am generally governed, to refrain from sanctioning any expenditure of the public money which has not been previously authorized, but I entertain no doubt that under the circumstances I have stated, you will readily concur in the expediency of the course I have pursued.

I have the honour to be, &c.

(signed) *James Kempt*.

No. 91.—EXTRACT of a Letter from Colonel *Durnford*, Commanding Royal Engineers, *Canada*, (No. 14,) addressed to Lieut.-Col. *Couper*, M.S.; dated 5th September 1829.

—WITH reference to my letters of the 12th February and 24th March last, Nos. 1 & 2, of the Appendix, to Sir James Kempt's letter, No. 35, dated 2d April 1829, I beg leave again strongly to recommend that his Excellency be pleased to sanction the purchase of the property mentioned in Lieut.-Colonel By's letter, No. 2, for the reasons therein explained.

No. 92.

No. 92.—EXTRACT of a Letter, (No. 11,) from Lieut.-Colonel *By*, Commanding Royal Engineers, *Rideau Canal*, addressed to Colonel *Durnford*, Commanding Royal Engineers, *Canada*; dated *Rideau Canal*, 27th August 1827.

—THE enclosed is a letter just received from Mr. R. D. Fraser, and as I am convinced his demand for damages will be much greater than he asks for the estate, I strongly recommend its being purchased immediately. I also recommend Government purchasing Dr. Munro's 900 acres at the Hog's Back, which he has offered to sell without reserve for £. 1,000. sterling, if immediate payment takes place, and

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cation in Canada.

I dread the consequences if much further delay takes place, for some one will purchase for the express purpose of making a job of the Government. Your obtaining for me the authority of his Excellency Sir James Kempt to make these purchases will greatly oblige me, as I am convinced the Government will save money by an immediate purchase.

No. 93.—LETTER from Mr. *R. D. Fraser* to Lieut.-Colonel *By*,
&c. &c. &c.

SIR,

Edwardsburg, 14th August 1829.

I WOULD have completed the deed for the frontage of the lots Nos. 34 & 35, in Nepean, forty-five acres, but when I came to give the dimensions, I had it not from the surveyor; however, it is no consequence, as I am ready to execute the deed at any time. I have spoken to a number of people who have lands upon the Rideau River, but they hold these lands at too high a rate that I should ever mention.

Mrs. Fraser, my sister-in-law, from Montreal, is now with me; she has lands, 800 acres, where the embankments are going on in Nepean. Should you be desirous to arrange with her for the same, if you will write me what time you will see her, I will go to By Town with her. Also please let me know what is your intention respecting the remainder of the lands at the Hog's Back, 445 acres.

I have the honour, &c. &c.

(signed) *R. D. Fraser.*

No. 94.—LETTER from *R. Byham*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 29th January 1830.

WITH reference to your letter of the 18th September last, stating the intention of the Lords Commissioners of His Majesty's Treasury to submit to Parliament a vote for £. 140,000. in the next Session, on account of the Rideau Canal;—

I have the honour to acquaint you, as it does not appear that any amount has been notified to the Board as intended to be taken on account of the Grenville Canal, carrying on by the Staff Corps Companies in Canada, now under the orders of the Ordnance Department, the Board, agreeably to a recommendation upon this head from the Inspector General of Fortifications, beg to submit to their Lordships, that the sum of £. 30,000. be included in the Colonial Estimates, on account of the Grenville Canal, for the present year.

I have, &c.
(signed) *R. Byham.*

No. 95.—Copy of TREASURY MINUTE, dated 2d February 1830.

MY Lords read the letter from the Secretary of the Board of Ordnance, of the 29th January, recommending to propose a grant of Parliament in the ensuing Session of £. 30,000. on account of the Grenville Canal, carrying on by the Staff Corps Companies in Canada, under the orders of the Ordnance Department, in addition to the vote of £. 140,000. which My Lords intend to propose on account of the Rideau Canal.

My Lords resume the consideration of all the former papers on the subject of the Canal Communications in Canada, and advert particularly to the Report of the Committee, of which Sir James Kempt was President, on the Rideau Canal, and to the letter of the Secretary of State for the Colonial Department, of the

November

November 1828, transmitting that Report to My Lords, in which it was stated that the whole expense for the Canal Communication would be, exclusive of St. Ann's Rapids, £. 734,640. as follows:—

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cation in Canada.

| | | | | | | |
|------------------|---|---|-----------|---|---|------------|
| Rideau Canal | - | - | - | - | - | £. |
| Grenville Canal | - | - | £. 59,100 | - | - | 558,000 |
| Chûte à Blondeau | - | - | 12,540 | - | - | |
| Carillon Rapids | - | - | 105,000 | - | - | |
| | | | | | | 176,640 |
| | | | | | | £. 734,640 |

My Lords have not yet received any estimate of the probable expense that will be incurred at St. Ann's Rapids, and have therefore not yet sanctioned any expense being incurred on that part of the line of Canal Communication.

It appears, by the accounts and papers before this Board, that there has already been applied on account of the above-stated expenditure, £. 409,000.; viz.

| | | |
|---|----|---------|
| From the Army Extraordinaries in the commencement of the work | - | £. |
| And from Grants of Parliament in the years 1826, 7, 8 & 9 | - | 40,000 |
| | - | 369,000 |
| | £. | 409,000 |

And that the whole sum required therefore to complete all the estimates already approved of is £. 325,500.

The whole of the grants of Parliament have already been issued to the Ordnance Department, to enable that Department to repay, to the credit of Army Extraordinaries, the advances made in the first instance out of that fund in Canada to Ordnance officers on account of this expenditure, and My Lords are not aware that the Board of Ordnance have been called upon to pay, or have paid, any portion of the first-mentioned sum of £. 40,000. applied from the Extraordinaries when the work first commenced.

My Lords have already communicated to the Master General and Board of Ordnance their intention to submit a vote to Parliament of £. 140,000. on account of this service during the present Session, and they think it will be expedient to add to that proposed vote the further sum of £. 23,000. instead of the £. 30,000. proposed by the Ordnance, so as to grant an equal amount in the present as in the last year for this expenditure. By making a grant of £. 163,000. during the Session of 1830, the amount which will be required in 1831 to complete all the works already approved of, viz. Rideau Canal, Grenville Canal, Chûte à Blondeau and Carillon Rapids, will be reduced to £. 162,640., and that amount My Lords will accordingly propose to Parliament to be granted in the Session of 1831; but their Lordships will not submit any vote whatever beyond these sums for these services, if any such should be called for without the most distinct and satisfactory explanations of the ground on which any such exceedings can be justified. They think it right to make this declaration thus early, in order that the Master General and Board of Ordnance may make the necessary communications upon the subject to all the parties employed, and issue to them the strictest injunctions for keeping this expenditure within the estimates.

Transmit copy of this Minute to the Secretary of the Ordnance, and desire he will bring it under the special consideration of the Master General and Board, who will perceive from it that My Lords do not think it expedient to propose to Parliament, during the Session of 1830, a larger grant, on account of these works, than that for which the sanction of Parliament was given in 1829, and can therefore only increase the estimate already prepared for £. 140,000. by the addition of £. 23,000. instead of £. 30,000. as recommended by that Board, making the total proposed grant for 1830, £. 163,000.

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cation in Canada.

No. 96.—LETTER from *R. Byham, Esq.* to the *Hon. J. Stewart,*
&c. &c. &c.

SIR,

Office of Ordnance, 8th March 1830.

HAVING laid before the Board your letter of the 10th ultimo, transmitting a copy of a Minute of the Lords Commissioners of His Majesty's Treasury, dated the 2d of that month, relative to the sums required for the Water Communications in progress in Canada;—

I have the honour to state, that on a perusal of the Minute, there appears to be a considerable difference between the sums calculated for those works, as compared with the calculations in this department, the Board therefore submit to their Lordships the following explanatory observations upon the subject; viz.

In the statement, the expense of the Rideau, which has been conducted by the Ordnance from the commencement, and the Grenville and other Canals carrying on by the Staff Corps, and only very recently transferred to the Ordnance, appear in the Minute to be mixed up into one account; as this, however, may lead to inconvenience, the Board are of opinion that it is advisable to separate those expenses, in order that the subject may be understood. And with respect to the Rideau, the Board merely observe, that the amount stated in their Lordships' Minute for the work is £. 558,000, but that Lieut.-Colonel By's estimate is £. 576,757, making a difference of £. 18,000; and on this the Lieut.-Colonel has been called upon to report, as requested by their Lordships in your letter of 18th September 1829, and upon receipt of his answer a notification will be made to their Lordships; under the admission, therefore, that this is to be further explained, there is no difference relative to the expense of the Rideau.

In regard however to the Grenville, the Chûte à Blondeau, and the Carillon Rapids, for which a sum of £. 176,640. is put down in their Lordships' Minute, the Board presume that this sum has been obtained from the information afforded by Lieut.-Colonel Fanshawe, a member of the late Canada Commission, of which Sir James Kempt was President; as, agreeably to the desire of the Secretary of State for the Colonial Department, notified in Mr. Hay's letter of 22d October 1828, the Board called for an account of the probable expense of completing those works with locks on the scale of those ordered for the Rideau, and a communication of the same was made to Mr. Hay on 7th November 1828, from which it appears that the above sum was made out as follows:

| | £. |
|---|------------|
| For the Grenville Canal already commenced | 59,100 |
| For the Chûte à Blondeau | 12,540 |
| For the Carillon Rapids | 105,000 |
| Total | £. 176,640 |

The Board however beg to observe, that this calculation was stated by Lieut.-Colonel Fanshawe to be only grounded on the different estimates of the executive officers, who were not then under the orders of the Ordnance, nor the works conducting under their superintendence; and moreover, that the above sum was calculated for the completion of the works from that date, viz. the end of 1828; whereas, in the statement in their Lordships' Minute, the whole that was allowed for those works out of the Army Extraordinaries, or from the grants of 1826, 1827 and 1828, appear to be placed against this expense, when only the vote of 1829 (£. 32,313.) the Board submit to be the fair charge against the £. 176,640. given in by Lieut.-Colonel Fanshawe. The Board further direct me to state, that there were, in fact, no documents or detailed estimates in this office to shew the expense of completing these works, until the receipt of Sir James Kempt's despatch of 12th February 1829, addressed to the Secretary of State for the Colonial Department, but which is not adverted to in their Lordships' Minute. In the said despatch it is distinctly stated by Sir James Kempt (and the detailed estimates are furnished) that

| | | |
|---|-----------|-----------|
| that the Grenville Canal, exclusive of what had been previously expended on it, would require | - - - - - | £. 21,000 |
| That the Chûte à Blondeau would require | - - - - - | 11,580 |
| And the Carillon Rapids | - - - - - | 58,000 |

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Making a total of - - - £. 90,580

And as, before this Report was received in England, a vote of £. 32,213. had been allowed, in the estimate for 1829, on account of the Grenville, there remained to be voted for these works the sum of £. 58,367.

In stating the foregoing observations for their Lordships' consideration, the Board direct me to add, that the calculation was formed on the above-mentioned despatch when they submitted, in their letter of 29th January last, that £. 30,000. should be voted for those works in the present year, in order that they might be proceeded with so as to be completed as soon as the Rideau; and on reference to Sir James Kempt's Report, the expediency of a grant to that amount will be perceived.

I have, &c.

(signed) *R. Byham.*

No. 97.—Copy of TREASURY MINUTE, dated 19th March 1830.

READ Letter from the Secretary of the Ordnance, dated the 8th instant, further on the subject of the Water Communication in Canada.

My Lords have again before them the former papers on this subject, and refer particularly to their Minute of 2d February 1830, in which their Lordships set forth the amount which from those papers it appeared to them to be necessary to provide for completing all those parts of this line of Canal Communication, for which estimates have received the sanction of this Board.

My Lords perceive from the letter of the Board of Ordnance, that although that Board states the subject in a somewhat different manner, yet that they arrive at very nearly the same result.

The Board of Ordnance assume from the reports which they have received, that £. 58,367. was required, at the commencement of the year 1830, to complete the Grenville Canal, the Chûte à Blondeau and the Carillon Rapids; and as that had to the close of 1829 been granted for the Rideau Canal, £. 296,000. then remained as stated in My Lords' Minute of 4th August 1829, to be granted in 1830 and 1831, £. 262,000. to complete the Rideau Canal. These two sums taken together, amount to £. 320,367, and as an estimate has already been laid upon the table of the House of Commons, for granting £. 163,000. for this service for the year 1830, there will remain still to be granted according to the Ordnance account in the year 1831, £. 157,367. to complete the whole amount required, by which means provision will be made for completing the whole of the Canals at the same time. It does not appear to My Lords under these circumstances to be necessary to increase the estimate for 1830.

Transmit copy of this Minute to the Secretary of the Ordnance, for the information of The Master General and Board.

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cation in Canada.

No. 98.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. K. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 14th June 1830.

I AM directed by Secretary Sir George Murray to transmit to you the enclosed despatches from Lieut.-General Sir James Kempt, with their enclosures, from Lieut.-Colonel By, relative to the progress of the Rideau Canal, and the increase upon the estimate for the Carillon Canal; and I am to request that you will lay the same before the Lords Commissioners of the Treasury for their Lordships' information.

I am, &c.

(signed) *R. W. Hay*.

No. 99.—DESPATCH from Lieut.-General Sir *James Kempt* to the
Right Honourable Sir *George Murray*, &c. &c. &c.

SIR,

Castle of St. Lewis, Quebec, 12th Feb. 1830.

THIS being the period of the year at which you may expect from me a report upon the state of the Rideau and Ottawa Canals, I beg to transmit for your information a copy of a letter upon the former, addressed to me by Lieut.-Colonel By, the engineer in command, which I consider satisfactory; and, when received, I shall not fail to forward you the condensed Report upon that Canal to which he alludes, together with the Annual Reports upon the progress and state of the Canals upon the Ottawa, the arrival of which I am in daily expectation.

I am sorry, however, to observe, that the Canals at the Carillon and Châte à, Blondeau have by no means advanced during the past season as I was led to expect; indeed, at the former, with the exception of clearing and surveying its course, no part of the work has been even yet undertaken.

A few days ago an Estimate of the Carillon Canal was submitted to me, amounting to £.88,633. 5. 2½. sterling, which exceeds the amount of that approved by His Majesty's Government (£.58,068. 8. 6.) in the sum of £.30,564. 16. 8., an excess of more than half the total amount of the approved Estimate.

Being greatly surprised by so extraordinary a discrepancy, for which I was altogether unprepared, I lost no time in directing a committee of competent officers, of which Colonel Durnford, Commanding Royal Engineer in Canada, is President, to be convened upon the spot to investigate the matter, and to prepare a correct Plan and Estimate for that Canal, which shall be forwarded to you with the least possible delay. In the meantime I have suspended the commencement of that work, with the exception of such small preparatory measures as may be found necessary until its estimate shall have met your approbation; and I trust I shall be honoured with your instructions to proceed with the work, so far at least as the sum appropriated thereto by the Imperial Parliament may permit, at a period of the season sufficiently early to prevent any delay in its prosecution, from the suspension, which, for the foregoing reasons, I have deemed incumbent upon me to direct.

I have, &c.

(signed) *James Kempt*.

No. 100.—LETTER from Lieut.-Colonel *By* to Lieut.-General Sir *James Kempt*
&c. &c. &c.

MY DEAR SIR,

By Town, 8th January 1830.

I HAD yesterday the honour of receiving your Excellency's kind note of the 20th ultimo, and have the gratification of assuring your Excellency, that, as I have succeeded in raising the water at the Hog's Back to the required height, the surplus quantity of flood water has to pass over a solid rock, on the east flank; and the west flank being protected by the lock and the wing walls of the said lock, with a strong
natural

natural bank considerably above the required level, I trust there is no fear of being beaten on either flank; and all that remains to be done is, to strengthen the centre, which appears to stand the pressure without the least alteration; I am, therefore, inclined to call this great work finished, with the exception of dressing off the ground in the spring.

Correspondence
relative to the
Canal Communi-
cation in Canada.

As I am extremely anxious to make my Progress Report as explicit as possible, I am forming Plans and Sections of each work, on a scale of twenty feet to an inch, which I hope to be able to send to Colonel Durnford to lay before your Excellency, with the Plans of the ground required for the Rideau Canal, accompanied by my Progress Report, in about six weeks; at which time I shall be able to send your Excellency an abridged Report, showing the state of each work; and I beg to state that, finding it impossible to send off my Progress Report within that period, and conceiving it a matter of consequence that Government should, with the least possible delay, be made acquainted with the amount of my disbursements, I have sent, by the way of New York, my letter to General Mann, which was written to accompany my detailed Progress Report, a copy of which I have the honour of enclosing for the information of your Excellency, from which it appears that the work keeps pace with the expenditure, and that the estimate will nearly complete the Water Communication from the Ottawa to Kingston; but as I can hardly flatter myself that this is the fact, myself and officers are re-measuring the work still remaining to be executed, wishing to form a correct calculation before I send an abridged Report to your Excellency.

I have, &c.

(signed)

John By.

31 Dec. 1829.

No. 101.—LETTER from Lieut.-Colonel By to General Mann,
&c. &c. &c.

SIR,

Royal Engineers' Office, Rideau Canal, 31 Dec. 1829.

I HAVE the honour of transmitting, for the information of his Lordship the Master General, and Right Honourable and Honourable Board of Ordnance, the Progress Report of Works on the Rideau Canal, Upper Canada, from their commencement on the 21st September 1826 to the 31st December 1829, from which it appears that £.349,264. 13. 2. has been expended, to which sum should be added about £.10,000 for works not yet measured, conceiving it my duty to reserve some of the contractor's work as security.

The sums authorized to be expended are,—

| | | | £. | s. | d. |
|-------------------|---|---|------------|----|----|
| For the year 1826 | - | - | 5,000 | - | - |
| — 1827 | - | - | 56,000 | - | - |
| — 1828 | - | - | 105,000 | - | - |
| — 1829 | - | - | 130,666 | 13 | 4 |
| | | | £. 296,666 | 13 | 4 |

But the expenditure, as detailed in the Progress Report herewith annexed, amounts to £.349,264. 13. 2., which sum taken from the estimate of £.576,757. 12. 2½. for the large locks, as given to the Committee, of which His Excellency Sir James Kempt was President in June 1828, leaves a balance unexpended of £.227,492. 19. -½. being about two-fifths of the sum then supposed to be required; and I have the satisfaction to state, that, on examining the various works, and comparing the measurements, as far as possible, of those performed with those still remaining to be executed, I find that rather more than three-fifths of the work are already executed; consequently I have every reason to suppose the Water Communication between the Ottawa and Kingston will be completed in August 1831, with very little excess on the said Estimate: but I most respectfully beg to explain, for the information of his Lordship the Master General, that although there is only a certain sum per annum granted to carry on these works, it is not in my power to limit the expenditure to that sum, the contracts being so worded, that payment must be made as the works progress; and the dreadful effects of the lake fever have so alarmed the different contractors, and so materially increased the expenses, that they are anxious to complete their works with the least possible delay. I therefore expect that nearly the whole of the works will be completed next year, and that, in consequence,

135.

N 2

£. 200,000

Correspondence
relative to the
Canal Communi-
cation in Canada.

£.200,000 will be required for the year 1830, leaving £.27,492. 19. - $\frac{1}{2}$. for the year 1831.

I have also the honour to report, that the dam at the Hog's Back is nearly completed, and answers the desired object in every respect, having raised the Rideau River to the required height of forty-five feet, and thrown back six feet depth of water into the lock at Black Rapids, which proves my original levels at this place to be correct, and also the practicability of my project, which, when the dam gave way last April, was doubted by many, and to this annoyance I attribute the serious illness with which I was afflicted in April last; but owing to the prompt assistance I received from Mr. Tuthill, the ordnance surgeon at this station, I was enabled to resume my duty in a few days, and I went through the line of the Canal with Colonel Durnford within a fortnight after my attack. I have also the satisfaction to state, that although my life was despaired of in consequence of a severe attack of the lake fever, which I caught when up the line in September last, I was sufficiently recovered to go up again on the 9th November, and, although exposed to very great hardships, by being frozen in on Mud Lakes, and passing the night in a small uninhabited island, I have not suffered, and trust my health is so re-established as to permit me to continue my arduous duties until this great work is completed. At the same time I feel extremely grateful for your having sent me Lieut.-Colonel Boteler, whom I have placed in charge of the Kingston division, extending from the narrows Rideau Lake to Kingston; and he has my instructions to forward the service of surveying the lands required for the defence of the various works on the Rideau Canal with all possible dispatch. I am also preparing plans and sections of each work, with calculations, to show the sums required for the completion of each. At the same time I respectfully beg to observe, these calculations must not be considered as the *positive* sums required; for although myself and officers are using every exertion to bring them as near the sum required as possible, yet the clearing and deepening various parts of the River, Cranberry Marsh and Lake, as also clearing and deepening Cataroqui Creek, and the excavation of the Isthmus Rideau Lake, are services so interwoven with unforeseen contingencies, that the expenses of them must remain uncertain until they are completed; and the utmost that can be done is, to state the probable sum that will be required.

I have, &c.

(signed) *John By,*
Lieutenant Colonel Royal Engineer
Comm^d. Rideau Canal.

No. 102.—LETTER from *R. W. Hay, Esq.* to the Hon. *J. K. Stewart,*
&c. &c. &c.

SIR,

Downing-street, 14 June 1830.

WITH reference to my letter of this day's date, transmitting despatches from Lieut.-General Sir James Kempt, on the subject of the Rideau Canal, I am now directed by Secretary Sir George Murray to transmit to you a copy of a despatch from Lieut.-General Sir James Kempt, enclosing a Report from Colonel Durnford, with the Estimates prepared by the Committee of which he was President, for the formation of the Canals at Carillon (£.72,318. 3. 7 $\frac{1}{2}$. sterling); Châte à Blondeau (£.20,785. 5.); for completing the Grenville Canal (£.24,131. 13. 3 $\frac{1}{2}$.); and for altering its dimensions where necessary, to correspond with those of the Rideau and the other Ottawa Canals (£.54,245. 19. 2.), which, with the expenses of the establishments of the two Companies of the Royal Staff Corps, employed upon that work from 25 June 1829 to 31 December 1832 (£.23,761. 11. 8 $\frac{1}{2}$.), form an aggregate amount of £.195,242. 12. 10. sterling; and I am to request that you will lay the same before the Lords Commissioners of the Treasury, for their Lordships' consideration and decision, calling their Lordships' attention to Sir James Kempt's suggestion as to the expediency of retaining and employing upon the Ottawa Canals a portion of the Engineer Officers and Sappers and Miners now stationed on the Rideau Canal, which will be nearly completed in the present year.

I am, &c.

(signed) *R. W. Hay.*

No. 103.

To His Excellency Lieut. Gen. Sir James Kempt, G. C. B.
&c. &c. &c.

REPORT and ESTIMATE

Of the Total probable Expense, from the 25th of April 1829, of
Forming the Line of Canal at the Carillon Rapids :

Completing the Line now under execution at the Chute à Blondeau :

Completing the Grenville Canal according to the Plan and Instructions already
approved of by the Committee, under His Excellency Sir James Kempt :—and

Altering the Three Locks now constructed at the Grenville Canal, on the small
scale, to correspond with those of larger dimensions ; and widening and deepening
the Canal where necessary, as ordered by the same Committee ; including
the Expense of the Two Companies of the Royal Staff Corps, from the
25th June 1829 :

Proposed to be carried on in the years 1830, 1831, and 1832 ;

Amounting to the Sum of - - £. 195,242. 12. 10.

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 103.—REPORT and ESTIMATE of the total probable Expense from

ABSTRACT - - - - -

| Item | |
|------|---|
| 1. | FORMING the line of Canal at the Carillon Rapids - - - - - |
| 2. | Completing the Canal now under execution at the Chûte à Blondeau |
| 3. | Completing the Grenville Canal according to the Plan and Instructions already approved of - - - - - |
| 4. | Altering the three Locks now constructed at the Grenville Canal on the small scale, to correspond with those of larger dimensions; and widening the Canal where necessary - - - - - |
| 5. | Establishment from 25th of June to 31st of December 1829, and for the years 1830, 1831 and 1832 - - - - - |
| | TOTAL - - - |

REPORT.

THE line of Canal, as directed in 1828, would form one continued line of cutting from its entrance above Dewar's Island to the village of Carillon; and for which the revised estimate, amounting to £. 88,633. 5. 2 $\frac{1}{4}$. transmitted by Lieut.-Colonel Du Vernet on the 6th January 1830, would scarcely suffice.

By taking advantage, however, of the north channel of Dewar's Island, by constructing two dams, a saving of about £. 5,360 is effected.

At the lower end, by making the entrance to be protected by a pier or breakwater, at a point about 500 yards above the village of Carillon, a further saving of about £. 10,950 is made on that Estimate; calculating on the same average prices, although perhaps the deep cutting through the latter part, thus avoided, might amount to £. 15,000.

From the information obtained, and as there was but little fall on the ice (February 1830) between the proposed lower entrance and the former one in the village, it was considered that by means of a pier or breakwater, the navigation of the river might be practicable as far as the upper point: on which principle this Estimate has been framed.

As, however, this could only be decided finally upon seeing the place at other seasons of the year, it is recommended now to commence the cutting of the Canal upwards, opposite to the proposed lower entrance, and with the excavation to form the rough mass of the breakwater: in which case, should the current still prove to be too strong for the adoption of this proposed entrance, the general line of Canal would not have been interfered with, and only a small expense incurred for some extra wheeling; and it would afterwards become a question, whether to make the entrance near Davis's Wharf (as shown on the Plan) at an additional expense to this Estimate of £. 3,471. 15. 3 $\frac{1}{4}$., or at the village, as directed in 1828, at the additional expense to this Estimate of £. 15,116. 17. 2 $\frac{1}{4}$. allowing an extra price for this deep cutting.

PLAN, No. 1.

the 25th of April 1829, of forming the Line of CANAL at the *Carrillon Rapids*.

Correspondence
relative to the
Canal Communi-
cation in Canada.

ABSTRACT.

| AMOUNT OF ESTIMATES, including Sums Expended. | ORIGINAL ESTIMATES | EXCESS to be Provided. |
|--|--------------------------|---------------------------|
| £. s. d. 72,318 3 7½ | £. s. d. 58,206 17 9½ | £. s. d. 14,111 5 10 |
| 20,785 5 - | 14,033 5 5 | 6,751 19 7 |
| 24,131 13 3½ | 21,031 16 2½ | 3,099 17 1 |
| 54,245 19 2 | - - - - | 54,245 19 2 |
| 23,761 11 8½ | - - - - | 23,761 11 8½ |
| 195,242 12 10 | 93,271 19 5½ | 101,970 13 4½ |

ESTIMATE.

1.—FORMING the LINE of CANAL at the *Carillon Rapids*.

| | £. | s. | d. |
|---|--------|----|----|
| 127,816½ cubic yards of excavation through rock - 5s. sterl. | 31,954 | 2 | 6 |
| 42,605 - - - ditto - - - through earth - 1s. 6d. - | 3,195 | 8 | 3 |
| 21,000 - - - ditto - - - of hard rock in Channel, De- war's Island - 6s. sterl. | 6,300 | - | - |
| 27,250 - - - ditto - - - of rock from Channel to old line - - - 5s. - | 6,812 | 10 | - |
| 21,888 - - - ditto - - - in forming two dams complete, 3s. sterl. | 3,193 | 4 | - |
| 611 toises of dry masonry in Pier or Breakwater, at the proposed lower entrance to Canal - - - 20s. sterl. | 611 | - | - |
| Extra wheeling of excavation to fill in behind - ditto - - - | 800 | - | - |
| 1,166 cubic yards of excavation through rock in bed of River, in clearing the entrance of Canal - - - 6s. 6d. sterl. | 378 | 19 | - |
| Additional coffer-dam, and machinery for pumping - - - | 300 | - | - |
| Regulating Lock, Masonry - - (former Estimate) £. 5,548 15 3 | | | |
| Ditto - - - Carpentry - - - ditto - 507 10 9 | | | |
| Ditto - - - Iron and Smith's work, ditto - 265 - - | | | |
| Ditto - - - Machinery for Sluices, ditto - 187 19 - | | | |
| Ditto - Lower Lock - - - - - ditto - 6,339 15 4 | | | |
| Currency - - - £. 12,849 - 4 | 11,135 | 16 | 3½ |
| 2 Lock Houses - - - (former Estimate) £. 346 - - | | | |
| 2 Dams - - - - - ditto - 300 - - | | | |
| New Road proposed - - - ditto - 500 - - | | | |
| Fencing 2 miles, 229 yards, at 2s. p' pannel, ditto - 80 6 3 | | | |
| Currency - - - £. 1,226 6 3 | 1,062 | 16 | - |
| Contingencies, 1% - - - | 65,743 | 16 | -½ |
| | 6,574 | 7 | 7½ |
| Total - - - £. | 72,318 | 3 | 7½ |
| Amount of Estimate, dated 29th January 1829 - £. | 58,206 | 17 | 9½ |
| Excess to be provided for - - - £. | 14,111 | 5 | 10 |

REPORT.

The excavation at this place was originally estimated at 3*s.* 6*d.* currency per cubic yard, on the supposition, as stated by Lieut.-Colonel Du Vernet in the Report, that the rock appearing to be in loose horizontal strata, might be removed without much blasting: immediately under the surface, however, it has proved to be extremely hard and compact, and the excavation, already performed to the depth of seven feet only, has averaged 4*s.* 5 $\frac{1}{4}$ *d.* sterling the cubic yard. Consequently, 6*s.* 6*d.* sterling per cubic yard will not be more than necessary to complete the remainder to the full depth of twenty-two feet, especially as a great part of it will be under the surface of the river. An extra allowance for the coffer-dam and machinery for pumping out the water also appears to be necessary.

The erection of the Barrack Store and Workshops, and the making a road of communication from the high road to the works, formed a necessary part of the expenditure.

In the Estimate for this service, amounting to the sum of £. 21,031. 16. 2 $\frac{1}{2}$. dated 8th November 1828, the several prices inserted for the excavations were far too low, in consequence of which, the whole amount of £. 2,205. 18. 6. currency, together with the contingency on it, has been expended mostly in the lock pits, having 3,024 cubic yards in the bed of the river at the lower entrance to Canal to be excavated, and which are now brought forward.

The formation of a drain at the back of the locks will be required, in consequence of some strong springs of water.

A sum of £. 150 currency was inserted in the former Estimate for a coffer-dam and pumping; but the now apparent difficulties make an additional sum advisable.

The paving to the bottom of No. 4 & 5 locks was not contemplated in the former Estimate: it has since been found necessary.

ESTIMATE.

Correspondence
relative to the
Canal Communi-
cation in Canada.

| | | | £. | s. | d. |
|---|-------|----|----------|----|-----|
| 2.—COMPLETING the CANAL now under execution at the Chûte à Blondeau. | | | | | |
| 29,382 cubic yards of excavation remaining to be cut through hard rock 22 feet deep, with a great part of it below the surface of the River, at 6s. 6d. sterling - - - - - | | | 9,549 | 3 | - |
| | | | £. s. d. | | |
| Masonry - - - - as in former Estimate - | 6,075 | 18 | 9 | | |
| Carpentry - - - - ditto - - - - | 580 | 17 | 6 | | |
| Iron and Smiths' work - - ditto - - - | 275 | - | - | | |
| Machinery Cast-iron work - - ditto - - - | 187 | 19 | - | | |
| Lock-house - - - - ditto - - - - | 173 | - | - | | |
| Coffer-dam and pumping - ditto - - - | 300 | - | - | | |
| Fencing - - - - ditto - - - - | 6 | - | - | | |
| Currency - - - £. 7,598 | | | 15 | 3 | |
| Extra coffer-dam, and machinery for pumping, at £. 200 currency - | | | 173 | 6 | 8 |
| Contingencies, $\frac{1}{10}$ - - - | | | 16,308 | 1 | 6½ |
| Total required to complete - - - £. | | | 17,938 | 17 | 8½ |
| 11,312 cubic yards of excavation already performed in 1829, 4s. 5½d. sterling | | | 2,538 | 15 | 3½ |
| Expended in building a Barrack, Store, and Workshops - - - | 230 | 11 | 11½ | | |
| Forming a road of communication from the high road to works - | 77 | - | -½ | | |
| Total expended and required to complete - - £. | | | 20,785 | 5 | - |
| Amount of revised Estimate* - - - - £. | | | 14,033 | 5 | 5 |
| Excess to be provided for - - - £. | | | 6,751 | 19 | 7 |
| 3.—COMPLETING the GRENVILLE CANAL, according to the Plan and Instructions already approved of. | | | | | |
| 3,024 cubic yards of excavation in hard rock, in bed of River at the lower entrance to Canal - - - - 6s. 6d. sterling | | | 982 | 16 | - |
| 810 cubic yards of excavation, in forming a drain at the back of the locks - - - - 5s. 6d. sterling | | | 222 | 15 | - |
| Additional coffer-dam, and machinery for pumping - - - | | | 300 | - | - |
| 10,500 feet superficial of strong paving to bottom of Nos. 4 & 5 Locks - - - - 2s. 6d. sterling | | | 1,312 | 10 | - |
| Contingencies, $\frac{1}{10}$ - - - | | | 2,818 | 1 | - |
| | | | 281 | 16 | 1 |
| | | | 3,099 | 17 | 1 |
| To complete Nos. 6 and 7 Locks, agreeably to the Estimate dated 8th November 1828; being the Amount remaining unexpended on that Estimate on the 31st December 1829 - - - - | | | 10,637 | 4 | 10½ |
| Total required to complete - - - £. | | | 13,737 | 1 | 11½ |
| Expended in 1829, including £. 1,301. 12. 3. amount of Materials purchased and remaining in store, to be used in the Works - - | | | 10,394 | 11 | 4 |
| Total expended and required to complete - - - £. | | | 24,131 | 13 | 3½ |
| Amount of Estimate, dated 8th November 1828 - £. | | | 21,031 | 16 | 2½ |
| Excess to be provided for - - - £. | | | 3,099 | 17 | 1 |

* Reported in Lieut.-Colonel Du Vernet's letter to the Military Secretary, dated 19th June 1829.

REPORT.

These locks were built as formerly ordered, 108 feet long and 20 feet wide. It is calculated that they cannot be taken down and rebuilt complete, of the dimensions now approved of (130 feet by 33) feet for steam navigation, at a less expense than stated.

The Canal had been originally laid out 28 feet wide at bottom, excepting at the deep and expensive cuttings, where, for a distance of about 1,600 yards, it is only 20 feet wide. The excavation herein stated is for making the whole length of Canal, about six miles, forty feet wide at bottom; and the average price of 3*s.* 6*d.* per cubic yard is assumed, as in the deep cutting it is entirely through rock, and in no other part is there less than two or three feet of rock at the bottom.

The re-forming a tow-path or road is estimated, as in some places the whole, and in others the greater part, will have been cut away in widening the Canal.

The Canal having isolated between it and the Ottawa River a long slip of land, although not more than about 360 acres, yet extending nearly six miles, and belonging to different proprietors settled on it; five permanent bridges had been established, which must now be replaced by draw-bridges (and of a greater extent), to allow the passage of steam-boats, or the land be purchased; which, however, may not be so practicable, except in one instance, where the sum required for the bridge exceeds the value of the land.

This item is for the entire establishment for three years and a half, which period may be considered necessary for the completion of the whole line of works, twelve miles in extent from the Carillon village to Grenville, and includes the subsistence, clothing, rations, and total expense, of the two companies of the Royal Staff Corps.

The labour of the two companies has been considered in the foregoing Estimate; but as their services are chiefly directed towards the superintendence of the works, as well as affording the necessary military protection, since there is, in consequence, no detachment of other troops at the station, the charge for them is now made a separate item.

The actual charge for the establishment, from the 25th June to the 31st of December 1829, not having been otherwise provided for, is necessarily inserted in this item.

ESTIMATE.

Correspondence
relative to the
Canal Communi-
cation in Canada.

4.—ALTERING the three Locks now constructed on the *Grenville* Canal on the small scale, so as to correspond with those of the larger dimensions, and widening and deepening such parts of the Canal as may require alteration.

| | £. | s. | d. |
|---|---------------|-----------|----------|
| Taking down and re-building on the approved large scale for Steam-boat navigation - - - - No. 1 Regulating Lock - - | 7,000 | - | - |
| Taking down and re-building ditto, No. 2 Lock, 6 feet lift - - | 4,500 | - | - |
| Taking down and re-building ditto, No. 3 Lock, 7 feet lift - - | 5,000 | - | - |
| 300 toises of dry masonry in forming a Pier on south side of entrance at upper end of Canal - - - - - 20s. | 300 | - | - |
| Coffer-dam, and machinery to pump out water - - - - - | 300 | - | - |
| 163,147 cubic yards of excavation through rock and earth, in widening the present Canal from 20 and 28 feet width to 40 feet throughout at bottom - - - - - 3s. 6d. | 28,550 | 14 | 6 |
| 13,777 cubic yards of excavation, in re-forming a Tow-path 1s. 8d. | 1,148 | 1 | 8 |
| 4,314 yards running of grubbing, and removing the Boulders on part of ditto - - - - - £. 5 per 100 yards | 215 | 14 | - |
| 6 miles running-metalling the whole length of ditto, including breaking of stone and transport - - - - - £. 100 | 600 | - | - |
| Taking down and re-building four large Drains or Bridges over rivulets £. 50 | 200 | - | - |
| Putting up five Draw-bridges over Canal, constructed to permit the passage of Steam-boats - - - - - | 1,500 | - | - |
| | 49,314 | 10 | 2 |
| Contingencies, &c - - - - | 4,931 | 9 | - |
| TOTAL - - - £. | 54,245 | 19 | 2 |

5.—ESTABLISHMENT.

| | £. | s. | d. |
|---|---------------|-----------|-----------|
| Pay and Allowances, including every charge of one Field-Officer and two Companies of the Royal Staff Corps for 365 days (as per Return) for the year 1830 [<i>Vide</i> page 105.] - - - - - | 6,520 | 18 | 7 |
| | Currency. | | |
| Clerk of Works, 365 days, at 7s. 6d. - - - - - | 136 | 17 | 6 |
| Lodging Money - - - - - | 24 | - | - |
| Office Rent - - - - - | 18 | - | - |
| Wood Money - - - - - | 8 | - | - |
| 365 days' Rations, at 7d. - - - - - | 10 | 12 | 11 |
| | 197 | 10 | 5 |
| Clerk, 365 days, at 3s. - - - - - | 54 | 15 | - |
| 365 Rations, at 7d. - - - - - | 10 | 12 | 11 |
| | 65 | 7 | 11 |
| Two Issuers of rations to Civilians, and of Tools, 730 days, at 1s. - - - - - | 36 | 10 | - |
| Ordnance Clerk and Acting Paymaster, 365 days, at 9s. - - - - - | 164 | 5 | - |
| Fuel and Candles - - - - - | 4 | 5 | 4 |
| Contingent Account, Postage and Travelling - - - - - | 12 | - | - |
| TOTAL - - - £. | 6,960 | 18 | 9½ |
| Similar Establishment for two years in addition, viz. 1831 and 1832 - | 13,921 | 17 | 7 |
| Pay and Allowances, including every charge of one Field Officer and two Companies of the Royal Staff Corps, as per Return from 25th June to 31st December 1829 [<i>Vide</i> page 104.] - - - - - | 2,802 | 7 | 4½ |
| Pay of Acting Paymaster, including Postage Account, from 25th June to 24th September 1829 - - - - - | 32 | 12 | 4½ |
| Pay of Ordnance Clerk and Acting Paymaster, including Contingent Account from 1st October to 31st December 1829 - - - - - | 43 | 15 | 7 |
| TOTAL - - - £. | 23,761 | 11 | 8½ |

E. W. Durnsford, Col. Corps of Royal Engineers,—President.

John By, Lieut.-Col. Royal Engineers,
R. Boteler, Lieut.-Col. Royal Engineers,
Henry Du Vernet, Lieut.-Col. Royal Staff Corps,
G. D. Hall, Captain Royal Staff Corps, } Members.

Grenville,
6th March 1830.

In reference to ITEM 5, p. 103.

DETAILED EXPENSE of the Detachment ROYAL STAFF CORPS employed on the Public Works on the *Ottawa* River, from the 25th June, the day handed over to the Ordnance Department, to the 31st of December 1829, inclusive.

| | RATE per Day. | No. of Days. | AMOUNT STERLING. | TOTAL STERLING. | |
|---|------------------|--------------------|-----------------------|--------------------------|---|
| PAY: | £. s. d. | | £. s. d. | £. s. d. | |
| 1 Lieut.-Colonel (on pay of Major) | - 19 3 | 190 | 182 17 6 | | |
| 2 Captains - - - | - 15 8 | - - | 297 13 4 | | |
| 3 First Lieutenants - - - | - 9 - | - - | 256 10 - | | |
| 1 First Lieutenant (Waterloo) - | - 10 - | - - | 95 - - | 832 - 10 | |
| COMPANY ALLOWANCES: | Per Annum. | | | | |
| 2 Companies, Contingent Allowance - - - - - } | 47 7 6 | - - | 47 7 6 | | |
| 2 Captains, Stationery - ditto - | 6 - - | - - | 6 - - | 53 7 6 | |
| ORDINARY ALLOWANCES: | | | | | |
| Lodging, and Forage Allowance for Officers: Mess, &c. to 24 December (paid by Commissariat) - - - - - } | - - - | - - | 190 9 4 $\frac{1}{2}$ | | |
| Fuel Allowance for entire of Detachment, same period (paid by Commissariat Department) - } | - - - | - - | 93 13 11 | 284 3 3 $\frac{1}{2}$ | |
| Amount of Pay List from 25 June to 24 September 1829 - - } | - - - | - - | 536 - 9 | | |
| Amount of Soldiers' Rations for the same period, at - } | - - 6 | - - | 273 6 6 | - - - | - - Officers, Soldiers' Wives and Children, not included. |
| Amount of Pay, from 25 Sept. to 31st December 1829 - - } | - - - | - - | 531 19 9 | | |
| Amount of Rations for the same period - - - - - } | - - - | - - | 273 11 6 | - - - | - - ditto - - ditto. |
| Straw for Men's Beds - - - | - - - | - - | 1 10 10 $\frac{1}{2}$ | | |
| Attendance of a private Practitioner on Sick - - - } | - - - | - - | 3 6 4 | | |
| Apprehension of Deserters - | - - - | - - | 13 - - | 1 632 15 8 $\frac{1}{2}$ | |
| | | | | 2,802 7 4 $\frac{1}{2}$ | |

Henry Du Vernet,

Lieut.-Colonel Royal Staff Corps.

In reference to ITEM 5, p. 103.

Correspondence
relative to the
Canal Communi-
cation in Canada.

ESTIMATE of PAY and ALLOWANCES for a Detachment of the Royal Staff Corps stationed in *Canada*, consisting of one Field Officer, and two Companies complete, to the Establishment turned over to the Ordnance; from the 1st January to 31st of December 1830.

| No. | DESCRIPTION. | No. of Days. | RATE per Diem. | AMOUNT. | TOTAL AMOUNT. |
|-----|---|--------------------|-------------------|-----------|------------------|
| | OFFICERS: | | £. s. d. | £. s. d. | £. s. d. |
| 1 | Lieutenant Colonel, having the pay of } Major - - - - - | 365 | - 19 3 | 351 6 3 | |
| 2 | Captains - - - - - | - | - 15 8 | 571 16 9 | |
| 4 | First Lieutenants - - - - - | - | - 9 - | 657 - - | |
| | First ditto for Waterloo - - - - - | - | - 1 - | 18 5 - | |
| 2 | Second Lieutenants - - - - - | - | - 6 - | 292 - - | 1,890 7 11 |
| | NON-COMMISSIONED OFFICERS, BUGLERS AND PRIVATES: | | | | |
| 6 | Serjeants - - - - - | - | - 2 6 | 273 15 - | |
| 1 | Bugle Major - - - - - | - | - 1 10 | 33 9 2 | |
| 1 | Bugler - - - - - | - | - 1 3 | 22 16 3 | |
| 12 | Privates, 1st Class - - - - - | - | - 2 - | 438 - - | |
| 24 | Ditto - 2d ditto - - - - - | - | - 1 6 | 657 - - | |
| 84 | Ditto - 3d ditto - - - - - | - | - 1 3 | 1,916 5 - | 3,341 5 5 |
| | RATIONS: | | | | |
| 9 | Extra allowance for Officers (the men } paying 6d. each) - - - - - | - | - - 3 ½ | 47 18 1 ½ | |
| 1 | Officer's Servant, not soldier - - - - - | - | - - 3 ½ | 5 6 5 ½ | |
| 6 | Soldiers' Wives - - - - - | - | - - 3 | 27 7 6 | |
| 21 | Ditto - Children, average at - - - - - | - | - - 2 | 63 17 6 | 144 9 7 |
| | HORSES' FORAGE RATIONS: | | | | |
| 2 | Lieutenant Colonels - - - - - | - | - 1 6 | | |
| 2 | Captains - - - - - | - | - - - | 273 15 - | |
| 6 | Subalterns - - - - - | - | - - - | | 273 15 - |
| | FUEL ALLOWANCE: | | Per Week. | | |
| 1 | Field Officer - - - 2 rooms - - - | - | - 11 4 | 29 9 4 | |
| 2 | Captains - - - - 2 ditto - - - | - | - - - | 29 9 4 | |
| 6 | Subalterns - - - 6 ½ ditto - - - | - | - 17 - | 44 4 - | |
| 2 | Acting Staff Serjeants, 2 ½ ditto - - - | - | - 5 8 | 14 14 8 | |
| 1 | Orderly Room - - - ½ ditto - - - | - | - 2 10 | 7 7 4 | |
| 1 | Officers' Mess - - - 2 ditto - - - | - | - 11 4 | 29 9 4 | |
| | Non-commissioned Officers and Men, } occupying 4 rooms - - - - - | - | 22 8 | 58 18 8 | 213 12 8 |
| | LODGING MONEY: | | Per Annum. | | |
| 1 | Field Officer - - - - - | - | 47 - - | 47 - - | |
| 2 | Captains - - - - - | - | 31 - - | 62 - - | |
| 6 | Subalterns - - - - - | - | 21 - - | 126 - - | |
| 2 | Acting Staff Serjeants - - - - - | - | 17 - - | 34 - - | |
| 1 | Officers' Mess - - - - - | - | 31 - - | 31 - - | 300 - - |
| | POSTAGE AND STATIONERY: | | | | |
| | Commanding Officer - - - - - | - | 30 - - | 30 - - | |
| 2 | Officers of Companies - - - - - | - | 6 - - | 12 - - | 42 - - |
| | REPAIR OF ARMS: | | | | |
| 2 | Officers of Companies - - - - - | - | 47 7 6 | 94 15 - | 94 15 - |
| | CLOTHING: | | | | |
| 6 | Serjeants - - - - - | - | 3 - - | 18 - - | |
| 120 | Rank and File - - - - - | - | 1 13 - | 198 - - | |
| 1 | Bugle Major - - - - - | - | 3 - - | 3 - - | |
| 1 | Bugler - - - - - | - | 1 13 - | 1 13 - | 220 13 - |
| | TOTAL - - - - - | - | - - - | - - £. | 6,520 18 7 |

Henry Du Vernet,
Lieut.-Colonel Royal Staff Corps.

Correspondence
relative to the
Canal Communi-
cation in Canada.

104.—DESPATCH from Lieutenant-General Sir *James Kempt* to
the Right Hon. Sir *George Murray*, &c. &c. &c.

Castle of St. Lewis, Quebec,
April 1st, 1830.

SIR,

WITH reference to my Letter, No. 17, of the 12 February 1830, I have now the honour to transmit a Report from Colonel Durnford, Commanding Royal Engineer, (No. 1, page 1,) with the Estimates¹ prepared by the Committee, (No. 2, page 5,) of which he was president, for the formation of the Canals upon the Ottawa, at Carillon (£.72,318. 3. 7½. sterling,) Chûte à Blondeau (£.20,785. 5.); for completing the Grenville Canal (£.24,131. 13. 3½.) and for altering its dimensions, when necessary, to correspond with those of the Rideau and of the other Ottawa Canals (£.54,245. 19. 2.) which, with the expenses of the Establishment² of the two Companies of the Royal Staff Corps employed upon that work from 25th June 1829 to 31st December 1832, (£.23,761. 11. 8½.) (No. 2, page 17) form an aggregate amount of £.195,242. 12. 10. sterling. In calling for the Estimates which accompanied my Letter 10, on the 12th February 1829, for the Canals at Carillon and Chûte à Blondeau, and for completing that at Grenville, the most particular instructions were given that the utmost care and attention should be bestowed to include in them every expense and contingency which might possibly arise in the formation of the works; and although every disposition evidently existed to attend to those instructions, yet I observe with extreme regret that the present Estimates exceed the former in the sum of £.26,602. 15. 7½.

You will perceive a considerable difference between the amount of the Estimates for the Carillon and Chûte à Blondeau Canals, given under the head of "original Estimates," in the Abstract³ (No. 2, page 6) and that of the former Estimates for those works, proceeding from several alterations which it was found necessary to make in the latter, subsequently to their transmission to you.

The Estimates submitted by the Committee are, of course, intended to supersede those you have already approved, and upon which £.32,213. 6. 8. has been appropriated towards the prosecution of the works by the Imperial Parliament, leaving £.163,029. 6. 2. to be provided for.

Of the £.32,213. 6. 8. £.16,800. 11. 10. was expended on the 31st December 1829; and upon the balance, £.15,412. 14. 10. those works have been carried on since that period.

See PLAN, No. 1.

You will observe by the Sketch⁴ (No. 3, page 29) and by the Report (No. 1, page 2) that several alterations are suggested by the Committee in the plan of the Carillon Canal; and that the most eligible point of its lower junction with the Ottawa is still undetermined, being dependent upon circumstances, which it will require some time to investigate; and as a project has been proposed (No. 4, page 31) to feed this Canal from the North River (which falls into the Ottawa about five miles below the Carillon Rapid) by which, if found practicable, a considerable Saving would accrue, I have directed that the commencement of that Canal shall be suspended until the feasibility of this scheme shall be ascertained.

The necessary surveys to determine this point are now in progress; and I trust I shall be enabled in a short time to transmit for your consideration a plan and estimate for the work.

See page 102.

I am of opinion that it will be advisable to purchase the strip of land, comprising about 360 acres, which lies between the Grenville Canal and the Ottawa,⁵ (No. 2, page 14) if it can be procured upon reasonable terms.

From this measure, the expense of erecting draw-bridges (£.1,500.) the subsequent repairs and attendance upon them, would be saved, and the interruption which they present to the navigation of the Canal avoided.

I have accordingly directed the terms upon which that land may be procured, to be ascertained, and I shall give you an early intimation of the result.

It appears by Lieut. Colonel By's Report to General Mann, dated 31st December 1829, of which a copy was transmitted with my Letters 17, of the 12th February 1830, that the Rideau Canal will be nearly completed in the course of this season; and Colonel Durnford (No. 1, page 3) states that the Canals upon the Ottawa cannot be finished in less than three years. But as the advantages of the Rideau Canal

Canal must remain in a great measure dormant until the Canals on the Ottawa are completed, the expediency of retaining and employing upon them a portion of the Engineer officers and Sappers and Miners now stationed on the Rideau Canal may not be undeserving of consideration.

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By these means, and the numerous artificers and labourers who will be deprived of work on the Rideau, I am of opinion, if the necessary funds be supplied, that the completion of the Ottawa Canals, and of the back navigation between the mouth of that river and Kingston, might be materially expedited.

I have, &c.

(signed) *James Kempt.*

No. 105.—LETTER from Colonel *Durnford* to Lieut.-Colonel *Couper*,
&c. &c. &c.

SIR,

Grenville, 8th March 1830.

JUST as the Committee had closed their Report and Estimates, to which my Letter, No. 54, of this date refers, Lieut.-Colonel Du Vernet suggested the possibility of making the North River subservient as a feeder to the Carillon Canal. I have therefore the honour to report, that Lieut. Colonels By and Du Vernet, and myself, immediately repaired thither, and traced it up four or five miles, to observe the nature of its banks, &c. From our observations, it appeared to us that it was of great importance to ascertain whether there was any, and what difference of level between this river and the proposed water level of the Carillon Canal; and an officer of the Royal Staff corps was the next day dispatched to take a level between the two. His report, on the second day of this operation, gave us a difference of about six feet in favour of the North River; and I am therefore sanguine that it may be practicable to obtain a feeder, which will, as far as I can venture to offer an opinion, be the means of materially favouring, if not altering the project of the Carillon Canal, and save considerable expense.

The weather being extremely unfavourable for levelling at the time the officer above alluded to was employed in ascertaining this difference (obliging him to make a considerable detour) he may not be so entirely correct as is desirable; but as I considered it a matter of much consequence, I was induced to traverse the ground repeatedly with Lieut.-Colonel By and Boteler; and I find that before we can properly ascertain the features of the ground and swampy land between the Carillon and the North River, a considerable time must unavoidably elapse; I have therefore given Lieut.-Colonel Du Vernet instructions to make a survey of it, and take such sections as will enable him to report distinctly on the practicability of creating this feeder; and desired him to forward, with as little delay as possible, a Plan and Estimate upon the project, for the further information of His Excellency; and having done so, I thought it unnecessary to remain myself, or detain Lieut. Colonels By and Boteler. Trusting my proceeding thus far will meet with approval, and that His Excellency will be pleased to confirm the same, by issuing his instructions for Lieut.-Colonel Du Vernet to proceed with a regular survey of the Ottawa and North River, from the entrance of the latter below St. Andrews, and up both, to such points as may be considered necessary for this prospect, with a view to ascertain with accuracy their comparative levels, as also to discover if any, and what difficulties may present themselves to the undertaking.

I have, &c.

(signed) *E. W. Durnford, Col.*
Comm^r R^l Engineers, Canada.

No. 106.—LETTER from Colonel *Durnford* to Lieut.-Colonel *Couper*,
&c. &c. &c.

SIR,

Grenville, 8th March 1830.

1.—AGREEABLY to the commands of His Excellency the Commander of the Forces, communicated in your Letter to me, No. 121, of the 28th January last, I caused Lieut.-Colonels By and Boteler of the corps of Royal Engineers, to join Lieut.-Colonel Duvernet and Captain Hall of the Royal Staff corps, as a Committee, of which I assumed the Presidency, and we met at Carillon on the 23d ultimo.

135.

O 4

2.—I have

Correspondence
relative to the
Canal Communi-
cation in Canada.

2.—I have now the honour to submit for the consideration of His Excellency, the Reports and Estimates called for, together with a Survey of the proposed lines of the Carillon Canal; viz.

1. Report and Estimate for the formation of the Canal at the Carillon Rapids, as well as for completing the Chûte à Blondeau and Grenville Canals, amounting to the sum of £. 195,242. 12. 10. sterling.

2. Progress Report of the Works carrying on by the Royal Staff Corps, on the Grenville and Chûte à Blondeau Canals, from the 25th April to the 31st December 1829.

3. A Survey of the proposed Lines of the Carillon Canal.

3.—On the Survey is given a diagram of the soundings taken through the ice, which, making reasonable allowance for the water falling still below its present line (although it can scarcely be expected to vary much) have induced the Committee to propose the alteration of the line of the Carillon Canal, from the safer line lately estimated by Lieut.-Colonel Du Vernet, as much with reference to economy as a desire to shorten the period of its execution.

4.—The Committee having endeavoured to make their Report on each Estimate as explanatory as possible, I am induced to hope they will be satisfactory; and I have therefore only to add, that I am of opinion it will be advisable that the alteration of the three locks already constructed at Grenville, and the widening of the Canal where absolutely necessary, should proceed simultaneously with the Carillon; and that yearly grants of money should be sanctioned upon the principle of completing all these Works in three years from such approval, being the shortest period they can be executed in.

I have, &c.

(signed) *E. W. Durnford*, Col.
Com^d Roy^l Engineers, Canada.

No. 107.—TREASURY MINUTE requiring Statement and original Estimates of Works in progress on Canals in *Canada*.

Copy of Treasury Minute of 18th June 1830.

READ Letter from Mr. Hay, dated 14th instant, transmitting copy of a Dispatch from Lieut.-General Sir James Kempt, at Quebec, inclosing Report, &c. relating to the Canals in Canada.

Read also a Letter from Mr. Hay, dated 14th instant, inclosing further Despatches from Sir James Kempt, respecting the progress of the Rideau Canal, and the increase of the Estimate of the Carillon Canal.

Transmit these Papers to the Secretary of the Ordnance, and state to him, That before My Lords come to any decision in regard to the additional Expenditure which appears to be required on these Canals, they request to be furnished with the opinion of the Master General and Board of Ordnance thereon; and they request that in the meantime a Statement may be prepared and transmitted to this Board with the least possible delay, showing the amount of the original Estimate for each of the Works which are the subject of those papers, the amount which has been actually expended upon each, and the amount which remains unexpended; also what have been the subsequent additions to the original Estimate.

No. 108.—LETTER from *R. Byham*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 23d June 1830.

No. 109, AGREEABLY to the desire of the Lords Commissioners of His Majesty's Treasury, as notified in your letter of the 19th instant, I have the honour, by the Board's commands, to transmit herewith a Statement shewing the amount of the original Estimates for the Canals constructing in the Canadas, so far as the documents in this office will afford the information.

I have, &c.

(signed) *R. Byham*.

No. 109.—STATEMENT, showing the AMOUNT of the ORIGINAL ESTIMATES for the CANALS constructing in the *Canadas*, prepared in compliance with the Board's Minute of the 19th instant, on Mr. Stewart's Letter of the same date, as far as the Documents in this Office will afford the information.

| NAME. | 1. AMOUNT of ESTIMATE. | 2. EXPENDED to 31st Dec. 1829. | 3. Remains to Complete on Original Estimates. | REMARKS. |
|---|---------------------------------|---|---|---|
| | £. | £. | £. | |
| Rideau Canal, according to the Scale ordered by the Committee, of which Sir Jas. Kempt was President. | 576,757 | 350,685 | 226,072 | -- By the correspondence referred from the Treasury by the Board's Minute of 19th June, also by a Report from the commanding Engineer in Canada, dated 24th April, it appears that the Estimate for the Rideau has been increased £.185,921, making a total of £.762,678; but this includes £.53,000 for the purchase of land for Military Works, and the construction of 22 Blockhouses; £.8,000 for forming a Reservoir at By Town towards the defence of the Canal, and also for a Feeder for the Locks; and £.8,230 for 14 Bridges over the Canal, which may be required to be constructed under the Rideau Act; but none of these services (£.69,230) have yet received the sanction of Government, and await future decision. |
| Grenville Canal - - | 134,920 | 130,720 | 4,200 | -- By Sir James Kempt's despatch of 1st April 1830, referred to this Office with the Board's Minute of the 19th instant, it appears that this Estimate is increased £.57,344, making a total of £.192,264; of which £.54,245 is for widening the Canal where necessary, and for increasing the size of three Locks to correspond with those on the Rideau, not included in the original Estimate. The expenditure of £.130,720 to 31st December 1829, is obtained from Sir James Kempt's despatch before referred to. |
| Carillon Rapids - - | 58,000 | - - - | 58,000 | -- By the same despatch from Sir James Kempt it appears that this Estimate is increased £.14,318, making a total of £.72,318. The work is not yet commenced, but waits the approval of Government. |
| Chûte à Blondeau - | 11,580 | - - - | 11,580 | -- By the same despatch this Estimate is increased £.9,205, making a total of £.20,785. This Work is in progress. |
| St. Ann's Rapids - - | - - - | - - - | - - - | -- No Estimate yet received. The exact line not yet determined. |
| Establishment to the end of 1832. | 23,761 | - - - | - - - | -- By the same despatch from Sir James Kempt it appears that £.23,761 will be required for the Civil Establishment and Pay of the Staff Corps Companies employed on the three last-mentioned Canals, from 31st December 1829 to the end of 1832, the period at present contemplated for their completion, and which expense was not included in the original Estimates. |

RECAPITULATION.

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RECAPITULATION.

| | ORIGINAL ESTIMATES. | PRESENT ESTIMATES. | INCREASE on the ORIGINAL ESTIMATES. | Remains to be Voted for Completion of Present Estimates. |
|------------------|---|-----------------------|--|---|
| Rideau | 576,757 | 701,578 | 124,821 | 466,012 |
| Grenville | 134,920 | 192,264 | 57,344 | |
| Carillon Rapids | 58,000 | 72,338 | 14,338 | |
| Chute à Blondeau | 11,580 | 20,785 | 9,205 | 103,029 |
| St. Ann's Rapids | No Estimate yet received, but expense assumed at £ 25,000 | | | |
| Establishment | | 25,760 | 25,760 | |
| TOTAL | 781,257 | 1,012,805 | 231,548 | 569,041 |

N.B.—It should be carefully noticed that the sums put down in Column 2. of the Statement do not agree with the votes already made on account of these Works, and consequently those in Column 3. not with the Sums required to be voted to complete the Services. These latter are shown in the Recapitulation; viz. £. 466,012 for the Rideau and £103,029 for the Chute à Blondeau, amounting to the amount of the Estimates now received.

84, Pall Mall, 21 June 1830.

Including the proposed Vote for 1830.

(signed) Alexander Bryce.

No. 110.—LETTER from R. Byham, Esq. to the Hon. J. Stewart,
&c. &c. &c.

SIR,

Office of Ordnance, 23d June 1830.

REFERRING to your letter, dated 18th September last, relative to the Estimate for the Rideau Canal, I have the honour, by command of the Board of Ordnance, to transmit to you herewith, to be laid before the Lords Commissioners of His Majesty's Treasury, a Copy of a Report from Lieut.-Colonel By on that subject, dated the 30th December 1829, to which is annexed a Minute of the Inspector General of Fortifications, dated the 15th instant.

I have, &c.

(signed) R. Byham.

No. 111.—REPORT relative to the Estimate for the Rideau Canal.
Lieut.-Colonel By to Colonel Durnford, &c. &c. &c.

SIR,

Royal Engineer's Office, Rideau Canal,
30th Dec. 1829.

I HAVE the honour of acknowledging the receipt of a copy of a letter, (No. 301,) addressed to me from Colonel Mann, dated 7th October 1829 (received at the Rideau the 27th instant), transmitting copies of a correspondence relative to the reduction of the Rideau Estimate, as recommended by the Committee of which Sir James Kempt was President.

In answer to which I have the honour to state, for the information of his Lordship the Master General, that I have always reported the sum estimated for the Rideau Canal as the probable, not the positive sum; as it was, and still is utterly impossible to state the exact amount that will be required to complete that service; and beg to state, that, from the general knowledge I had of the country, having previously served nine years in Canada, I was so aware of the magnitude of the undertaking, from the manner it was first mentioned to me, that when Major-General Sir J. C. Smyth, in the Royal Engineer Office in Pall Mall, informed me that the sum allowed for the Rideau Canal, with locks on the same scale as the La Chine Canal, was £.160,000,

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£. 169,000, I remonstrated against the smallness of the sum, and stated to him that as the La Chine Canal, situated close to Montreal, only seven miles in length, without any deep cutting, and requiring but seven locks of seven or eight feet lifts, had cost £. 137,000, how could it be imagined that the Rideau Canal, 135 miles long, through an uncleared country, with eighteen or twenty miles of excavation, some of which was rock, and deep cutting, with forty-seven locks to surmount, a difference of level of 455 feet, with a variety of extensive dams and waste weirs necessary to regulate the spring torrents of the Rideau River, which is the outlet of several lakes, could be excavated for the same sum (Sir J. C. Smyth) had stated; and on the 13th August 1826, I reported to General Mann that, from the information I had collected during the time I was waiting at Montreal for my instructions, I found that the Rideau Canal would cost about £. 2,400,000. This was before I had seen the ground; but when I had examined the whole line of Canal, accompanied by Captain Bolton, Royal Engineers, in 1827, and formed the Estimate of works required, I found that £. 2,74,899. 1. 2½d. was the least sum for which these works could be executed. In this Estimate I did not include the expense of the Civil and Military Establishments necessary to carry on such extensive works; wishing to show the actual amount of works indispensably necessary to form the proposed Water Communication from the Ottawa to Kingston, and formed my calculations on very moderate prices.

When the Committee were with me in 1828 this Estimate was re-calculated, and the amount proved to be

To which was added, for Military and Civil Establishments -
For purchase of Mills, &c. -
For Alterations necessary for the increased size of the Locks

| | | |
|---------|----|----|
| £. | s. | d. |
| 474,844 | 1 | 2½ |
| 61,452 | - | 3½ |
| 8,500 | - | - |
| 40,845 | 13 | 11 |

Making the Estimate

Deduct for saving at Jacks Rifts, &c.

| | | |
|---------|----|---|
| 585,641 | 15 | 5 |
| 8,102 | - | - |

Leaving

Deduct for difference

| | | |
|---------|----|----|
| 577,539 | 15 | 5 |
| 782 | 3 | 2½ |

£. 576,757 12 2½

The details of which are herewith annexed, from which it will appear that the saving arising from my proposals to do away with the locks at Bifidores and Jacks Rifts, by placing a fourth lock at Kingston Mills, raising the dam at that place, and forming certain embankments to retain the water, so as to convert Cataroque Creek into a fine sheet of water, extending to the high land on each side, and thereby drowning that pernicious swamp, by forming it into a small lake of about 9,400 acres, was deducted, which deduction amounted to £. 8,102. 2., and this alteration was approved of by the Committee; I therefore beg to observe, that until I received copies of the correspondence above alluded to, I had no idea that the Committee had recommended any reduction in the Estimate, and consequently have always calculated on the Estimate given to them, of £. 576,757. 12. 2½.

| | | | | | |
|---------------|------------|---|----|---|---|
| Thus, — | 137,900 | - | - | × | 3 |
| | 411,600 | - | - | × | |
| 1826 | 5,000 | - | - | - | |
| 1827 | 56,000 | - | - | - | |
| 1828 | 105,000 | - | - | - | |
| Making in all | £. 577,600 | - | - | - | |
| Difference | 842 | 7 | 9½ | - | |

£. 576,757 12 2½

As appears by my having reported that £. 137,200 would be required for the years 1829, 1830, 1831.

I further beg to remark, that the Committee, in their Instructions, ordered all just claims to be immediately settled, thereby assuming that I had allowed just claims to remain unpaid; which was not the case, as proved by my answer to the Memorial of

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cation in Canada.

Messrs. Mac Martin & Macdonell, sent to his Excellency Sir James Kempt, a copy of which is herewith forwarded for the information of his Lordship the Master General, and the Right Honourable and Honourable Board.

The Committee also recommended that no more work should be undertaken than the allowed sum of £. 105,000 would meet; yet, notwithstanding this recommendation, no one step has been taken to enable me to comply with the Instructions, as all the contracts formed by the Commissariat Department in February 1828, which embrace nearly all the works on the line of the Canal, still remain in force, and by those contracts the contractors were bound to complete their works in two years from the date of signature. It was therefore out of my power to prevent their commencing their various works; and at the time the Committee were with me, the contractors were threatening to bring actions against Government to recover damages for the losses they had sustained by the sudden check that had taken place, in consequence of the unexpected limitation of expenditure in March 1828 to £. 41,000.

I therefore reported that the only arrangement I could make with these contractors was, to give them four years to complete their work, which would prolong the works to 1831; and I stated that I should require £. 137,200 per annum.

It is necessary here to remark, that although the contractors had no objection to this increase of time being allowed them, they would not bind themselves to be so long about their work, and consequently I have no controul over the expenditure, the contracts being so worded that the contractors can demand payment as their works progress; and the fatal effects of the lake fever in the summer and autumn of 1828 (which still continues, though in a less alarming degree,) has so increased their expenses that they are all exerting themselves to complete their works next season; and this is the cause of my disbursements for the present year amounting to £. 211,354. 7. 6½. instead of £. 130,666. 13. 4. as authorized, notwithstanding my efforts to retard the expenditure as much as possible; and this gives me every reason to suppose that £. 200,000 will be required for 1830. This is on the supposition that the Estimate is ample, and that no failure will take place in any part of the works, which, in such extensive waterworks, is almost improbable; but from the great success I have hitherto met with in those works, I trust all will succeed, and that I shall have the honour of opening the Steam-Boat Navigation from the Ottawa to Kingston on the 12th of August 1831.

I further beg leave to state, that I complained to the Committee, as I went through the line of Canal with them in 1828, that it was impossible to form a correct Estimate in an uncleared country; and that it was utterly impossible to state whether invert arches to the various locks would be necessary until the excavations were made. It was also impossible to foresee what difficulties would arise from the water during the construction of the various locks, dams and water-weirs; and the Committee then agreed with me, that all I could do was to keep the expense of each work separate, so that my Progress Report would show where and from what causes the excess or saving in Estimate arose. To this I have paid strict attention, as, I trust, will appear by referring to my Progress Report herewith annexed.

In reference to the items in Estimate, from which the Committee propose a

| | | | | |
|---|---|-----------|-----------|-----|
| reduction, viz. in the Masonry of the Locks | - | £. 17,725 | 6 | 8 |
| And on the Gates of Locks | - | 1,789 | - | - |
| Making | - | - | £. 19,514 | 6 8 |

I beg to state, that the calculations of the Committee are perfectly correct, and the locks ought to have been estimated according to the mode adopted by them; but I have estimated the side-walls of the locks at eight feet thick, instead of six feet six inches (as estimated by the Committee), in order to cover the extra masonry required for the foundations of the said walls, and the Committee ought either to have done the same, or to have allowed for the foundations; whereas they have taken the exact dimensions of the walls independent of foundations; and I beg to observe, that from the measurement of the work performed, it appears I have not allowed too much for the foundations in the extra substance of the side-walls.

With regard to the reduction of Estimate for the gates, I agreed with the Committee that they were to all appearance too high; but explained to them, that having been

been favoured with a sight of the actual cost of the gates of the La Chine Canal, I had formed mine on that data, and beg to observe, that although the sum on Estimate is considerably more than I am paying for actual workmanship and material, yet the contingent expenses of collecting the workmen and materials at the various places, as also the means of hanging such heavy gates, will amount to the sum on Estimate, and therefore no reduction should be made, as proposed by the Committee. And I am of opinion, had the Committee taken into consideration the very moderate prices in the Estimate, and the difficulty of ascertaining precisely the extent of works required in an uncleared country, they would have considered my Estimate, with the usual ten per cent. allowed for contingencies, as far too small, instead of recommending a reduction; but I have the satisfaction to state, that I still believe the works will be completed within a few thousands of the Estimate of £.576,757. 12. 2½, and within the period of five years, as I first stated: for it was on the 21st September 1826, that I commenced the Rideau Canal, and, as I have already stated, I have every reason to believe it will be finished on the 12th August 1831; and when these extensive works are compared with the sums expended, I am confident that the Rideau Canal will be considered one of the cheapest and most durable works of the kind that has hitherto been constructed.

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Canal Communi-
cation in Canada.

Since the arrival of Lieut.-Colonel Bôteler, he has examined the whole of the works, and agrees with me in opinion, that to do justice to their execution, I should have the assistance of five officers early in the spring, who, with himself, will make six officers, I have already requested.

Trusting that his Lordship the Master General, and Right Honourable and Honourable Board, will excuse my having entered thus fully into the difficulties of ascertaining the precise sum required for the Rideau Canal,

I have, &c.

(signed) John By,
Lieut.-Col. Royal Engineers Com^d, Rideau Canal.

I forward this Report from Lieut.-Colonel By, for the Board's information and orders, in reference to their order of 23d February 1829.

By the explanation now afforded, it appears that the reduction of £.18,000 contemplated by the Committee, of which Sir James Kempt was President, cannot be effected; but that the Estimate prepared by Lieut.-Colonel By, amounting to £.576,757, will at least be required. And this answer has been calculated upon in the Return recently laid before Parliament, called for by the Board's order of 6th March 1830.

15th June 1830.

(signed) A. B.

No. 112.—LETTER from R. Byham, Esq. to the Hon. J. Stewart,
&c. &c. &c.

SIR,

Office of Ordnance, 9th July 1830.

1.—ADVERTING to the Statement transmitted by the Board on the 23d ultimo, for the information of the Lords Commissioners of His Majesty's Treasury relative to the Canals in Canada;—

2.—I have the honour, by the Boards' commands, to request you will submit to their Lordships, in further reference to your letter of the 19th ultimo, that it appears the Estimate for the Carillon Rapids has been increased from £.58,000 to £.72,318, but that no final opinion or decision can now be given on this Estimate, as a further Report is promised by Sir James Kempt, which holds out the possibility that a less expensive plan may be adopted; and in the meanwhile the commencement of this work appears to be suspended. The Board have therefore only at present to remark on any contemplated alteration of this Canal by aid from the North River, that it may be expedient that the local authorities in Canada should be instructed to ascertain how far it will affect the interest of private individuals, and thus involve the Government in claims arising therefrom.

3.—In regard to the Estimate now transmitted for the Châte à Blondeau, the amount is £.20,785, instead of £.11,580, before reported, being an excess of
135. P 3 £.9,205,

No. 112, 111.

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£. 9205, which is stated to be caused by the rock through which this Canal is entirely cut, proving to be extremely hard and compact, instead of loose horizontal strata, which appeared when the first Estimate was prepared; the Board, therefore, consider this excess unavoidable. This work appears to be in progress by the Staff Corps.

4.—In respect to the Estimate for the Grenville, there is an excess of £. 3,399 beyond the first Estimate for the completion of this Canal, as transmitted by Sir James Kempt in February 1828, which is stated to be in consequence of the prices put down in the first Estimate, which was prepared by Lieut.-Colonel Du Vernet, being far too low. Besides this above, there is also provided, for the first time, £. 54,245 for altering the three locks (already constructed in this Canal on the small scale), so as to correspond with those of the Rideau, and for widening and deepening such part of the Canal as may require alteration in regard to which, the Board have only to observe, that this service will be necessary in order to complete the Water Communication on the same scale as the locks on the Rideau. This sum includes £. 1,500 for five bridges to communicate with the land (about 136 acres) belonging to private individuals, lying between the Ottawa and the Grenville; but this land Sir James Kempt proposes should be purchased to avoid the expense of constructing and repairing these bridges, and a further Report is promised respecting the proposed purchase.

5.—The Estimates also provide £. 23,761 for the establishment and entire expense of the two Staff Corps companies employed on these Canals from the 25th June 1829 (when the companies were transferred to the Ordnance) to the end of 1832, being the period contemplated for the completion of the works; provided the necessary funds can be granted. This expense has hitherto not been provided in the Estimates for these works, but understood to be borne on the Army Extraordinaries, and therefore it may be said to be only a change of account.

6.—In regard to the Rideau Canal, the Board propose to make it the subject of a separate communication to their Lordships, in reference to Reports which have recently been received from the Commanding Royal Engineer in Canada.

I have the honour to be, Sir,

Your most obedient, humble Servant,

R. Byham.

P.S.—The Papers which accompanied your letter, are herewith returned, as requested.

No. 113.—LETTER from Secretary of Ordnance to the Hon. J. Stewart,
&c. &c. &c.

SIR,

Office of Ordnance, 17th August 1830.

ADVERTING to the last paragraph of the Board's communication of the 9th ult. and in further reference to your letter of 19th June last relative to the Canals in Canada;—

I have the honour, by the Board's commands, to acquaint you, for the information of the Lords Commissioners of His Majesty's Treasury, that they have had before them a Report from Major-General Sir Alexander Blyde, Inspector General of fortifications, accompanied by Statements and other Papers, which have been forwarded by Colonel Durnford, Commanding Royal Engineer in Canada, in explanation of the expenses of the Rideau Canal.

The Board direct me to state, that, on a perusal of the documents adverted to, it appears, that in addition to the expense at present estimated for that Canal (viz. £. 576,757), a further sum of £. 116,686 will be required, of which £. 30,134 is the amount of the excess in the execution of the works already finished; also £. 2,843, the amount of errors in the original Estimate, and £. 83,714 for additional works, which it is stated were neither contemplated by Lieut.-Colonel By, nor ordered by the Committee, of which Sir James Kempt was President, and consequently are not included in the original Estimate for the Rideau Canal.

With

With reference to these expenses, the Board submit that an excess of £. 30,000 on so large an expenditure already incurred (£. 349,000) for work carried on for the greater part through a country hitherto a wilderness, might not unreasonably have been expected; and Lieut. Colonel By has furnished a detailed Statement, showing upon what particular points of the Canal the excesses have occurred:

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cation in Canada.

In regard to the additional works, which are calculated at £. 83,714; the Board consider that it is much to be regretted these services were not foreseen and originally provided for. Colonel Durnford states, that the principal item of expense of these additional works is for waste weirs on each of the dams, and not of locks, the necessity for which became particularly apparent after the failure of the dam at the "Hog's Back," inasmuch, that it is found necessary that they should be adopted on the whole line of the Canal; and it is added, that their beneficial effects have been already satisfactorily proved where executed. The Board have to observe hereon, there can be no doubt that every precaution should be adopted to prevent accidents to the dams, upon which the efficiency of the Canal will so greatly depend; but the Board propose to limit their use to such cases as both Colonel Durnford and Lieut. Colonel By consider absolutely necessary. These expenses (including the errors of £. 2,843 in the original Estimate) will make a total of £. 693,448 for the Rideau. Upon none of the heads under which the excesses are here classed, do the Board, from the documents now transmitted, find themselves able to pronounce a positive opinion, whether in all respects the increase is satisfactorily accounted for; but they have directed Colonel Durnford to enter into a minute examination of each particular, and report further to the Board.

The Board direct me to observe, that the work appears to be in rapid progress, and is expected to be completed in August 1832, if the necessary funds are provided; it may therefore be here proper to add, that the sum of £. 436,666 has already been voted for the Rideau Canal, including the grant of 1830; and therefore, according to the present calculation, a further sum of £. 256,777 requires still to be voted for its completion. At the same time the Board beg to call their Lordships' attention to the enclosed Extract from Colonel Durnford's letter of 24th April last, wherein he adverts to unforeseen casualties which may occur in the progress of the work, over which the superintending officer may have no control, and therefore observing, "that too much reliance should not be placed even on this present Estimate, which may yet be expected to be exceeded by several thousand pounds."

In addition to the observations submitted respecting the services before mentioned, the Board have to advert to four others now brought forward for the first time; viz.

| | |
|------------------------------|-----------|
| 22 Block-houses | £. 33,000 |
| Land for ditto, and Defences | 20,000 |
| Reservoir at By Town | 8,000 |
| 15 Bridges over the Canal | 8,230 |
| | <hr/> |
| | £. 69,230 |

These services do not appear to be commenced, but wait the orders of Government; of these a certain number of the bridges must, by the provisions of the Rideau Act, be constructed; but the Board are unable to ascertain the number, which cannot be avoided, and have called for further information. With regard to the other services, though they do not seem to be absolutely necessary for the navigation of the Rideau, yet the Board understand that they are so nearly connected with the Canal, that the possibility of their being ultimately found advisable should not be lost sight of. The Board have at the same time to observe, that the block houses, if constructed now, are intended also to lodge some of the lock-masters, and, in this case, the houses provided for them in the original Estimate, need not be constructed; that the purchase of the land is altogether a part of the expense attending the defences; that the proposed reservoir is partly for the Canal and partly for its defences, it being intended to feed the first eight locks, and also to serve as a wet ditch for the defence of the entrance of the Canal. With reference to these

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services, the Board coincide in the recommendation which has been submitted by the Inspector General of Fortifications, that they should be deferred until the Canal is completed, and until the general question of the works required for its defence can be considered and finally approved, with the exception of such only of the proposed bridges as, by the Rideau Act, Government is bound to construct; and that, therefore, the lock-masters' houses, and a small reservoir to feed the first eight locks, which is provided in the original Estimate, should be constructed.

I have the honour to be, Sir,

Your most obedient humble Servant,

G. Butler,
(for the Secretary).

No. 114. — EXTRACT of a Letter from Colonel *Durnford*, Commanding Royal Engineer in Canada, addressed to Colonel *Mann*, of the Royal Engineers; dated Quebec, 24th April 1830.

—IT is but mere justice to Lieut.-Colonel By to observe, that in water-works of such magnitude and variety, the usual allowance for contingencies appears to be inadequate, and that casualties may yet be expected, over which he can have no control; one of which, sickness, has already been a serious obstruction, and consequent cause of increase of expense, having rendered it necessary to prosecute excavations to a great extent, both of earth and rock, during the winter; so that too much reliance should not be placed even on this present heavy Estimate, which may yet be expected to be exceeded by several thousand pounds; but, should this happen, General Mann may rely on it not being attributable either to Lieut.-Colonel By, his officers or contractors, of whose unremitted assiduity and perseverance I cannot speak too highly; and, as I have before reported, the whole of the works appear to be executing in the most substantial manner.

No. 115.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. K. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 18th August 1830.

WITH reference to my letter of the 14th June last, transmitting a despatch from Lieut.-General Sir James Kempt, on the subject of the Expense which it would be necessary to incur for the formation of the Canals upon the Ottawa, in completing the Grenville Canal, and for altering its dimensions, when necessary, to correspond with those of the Rideau and of the other Ottawa Canals; I am now directed by Secretary Sir George Murray to transmit to you the copy of despatch from Sir James Kempt, by which it appears that the plan of feeding the Carillon Canal from the North River has been ascertained, and that a saving will accrue from this alteration to the amount of £.26,854. 3. 3 $\frac{1}{2}$. sterling; and I am to request that you will lay the same before the Lords Commissioners of the Treasury, acquainting their Lordships, that, under the circumstances stated in the latter part of Sir James Kempt's despatch, Sir George Murray is of opinion that he has exercised a sound discretion in directing that the works of the Carillon Canal should be prosecuted with all possible vigor to the amount of £.38,412. 14. 10.

I am, &c,

(signed) *R. W. Hay.*

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cation in Canada.

No. 116.—DESPATCH from Lieut.-General Sir *James Kempt* to the
Right Hon. Sir *George Murray*, &c. &c. &c.

Castle of St. Lewis, Quebec,

8 June 1830.

SIR,

WITH reference to the Letter (33) which I had the honour to address to you on the 1st April 1830, I have now the satisfaction to acquaint you, that the practicability of the scheme for feeding the Carillon Canal from the North River has been ascertained; and you will perceive by the enclosed Plan, Report and Estimate, that a Saving will accrue from this alteration, to the amount of £.26,854. 3s. 3½d. sterling.

You are already aware that on the 31st December 1829 there was an unexpected Balance of the sum appropriated by Parliament for the Canals upon the Ottawa for the past year (£.32,213. 6. 8.) amounting to £.15,412. 14. 10.; and as it appears by a communication from the Inspector General of Fortifications to the commanding Royal Engineer in Canada, that the Lords Commissioners of the Treasury propose to submit to Parliament an appropriation of £. 23,000. towards the progress of those Canals for the current year, I have directed that it shall be prosecuted with all possible vigour, to the amount of the aggregate of those two sums (£.38,412. 14. 10.)

PLAN, No. 2 & 3.

I have, &c.

(signed) *James Kempt*.

No. 117.—LETTER from Colonel *Durnford* to Lieut.-Colonel *Couper*,
&c. &c. &c.

Royal Engineers' Office, Quebec,

29th May 1830.

SIR,

WITH reference to your Letter, No. 29, for the 19th March last, and the correspondence on the subject; I have now the honour to forward, for the information of His Excellency the Commander of the Forces, Lieut. Colonel Du Vernet's Plan, Report and Estimate of the Carillon Canal, as connected with the proposed Feeder from the North River; and as the project appears to me to be perfectly feasible, and will be attended with a considerable saving, I beg to recommend the prosecution of the work on the said plan; and have therefore to request His Excellency's instructions, whether Lieut. Colonel Du Vernet shall use his utmost endeavours, by every method he can devise, to complete the same by the end of the next or following season; and whether a supply of money correspondent with the progress of the work will be available. I think it my duty to request specific instructions on the above points, as there is at present a limitation to the expenditure of only £.23,000. for the present year towards the prosecution of all the works on the Ottawa under the superintendence of the Royal Staff Corps.

I have, &c.

(signed) *E. W. Durnford*,
Colonel Commanding Royal Engineers.

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relative to the
Canal Communi-
cation in Canada.

No. 118.—REPORT and ESTIMATE of the probable Expense of constructing a Canal to turn the *Carillon* Rapids, as connected with a Feeder from the *North* River, to be completed in two years from the commencement; amounting to £. 45,464. 0. 4. sterling.

PLAN, No. 2 & 3.

HAVING ascertained that the North River, which flows through the wild lands on the north side of the Ottawa, and falls into it below the village of St. Andrew's, was on a higher level, and approached so near in one situation as to be available as a Feeder for the proposed *Carillon* Canal; after a careful examination of the ground, it is considered the line laid down on the accompanying Plan is the nearest and best, the distance being only 1,150 yards, and without any cutting through high ground.

By the construction of two Dams on the North River, in the situations marked, of nine feet in height, a depth of four feet in water, with the trifling excavation shown by the Section, may be obtained at all times, and may be used as a Canal for *Batteaux*, for the conveyance of produce from the Back Settlements, if required, as it is proposed making it 12 feet wide at the bottom, with slopes of 45 degrees; a Sluice being placed at the end near the Canal, the walls will serve as the piers for the bridge for the high road, which it will be necessary to make along the ridge.

By constructing a Dam 10 feet high across the lower end of the valley, from the lowest part of the ridge to a projecting bank, in a diagonal direction, and cutting six feet and a half deep below what is considered the highest rise of the Ottawa at the upper entrance of the Canal, the same level may be continued throughout, and strong banks be formed by cutting through the bank, as expressed on the Plan, and forming the valley into a Bason. A lock will be necessary at the upper entrance, 21½ feet high, to admit of boats entering it at the lowest water, and to be above the influence of the highest. At the lower end a double lock of 10½ feet lifts the coping of the upper of an equal height with the first, and that of the lower 15½ feet above what is considered low water at the foot of the rapid. Near the dam it is proposed making a Waste Weir over the rocky bank, to carry off the superfluous water into the Ottawa over the cliff. According to this project, the great expense of cutting through rock, which was necessary in the former Plan, will be saved, and a reduction made from £. 72,318. 3. 7½. to £. 45,464. 0. 4. in the construction of the Canal, which will not only be wider, but will be capable of being navigated by boats drawing seven feet of water, if required, and may be completed a year sooner.

Chatham, }
16th May 1830. }

(signed) *Henry Du Vernet*,
L' Col' Roy' Staff Corps.

ESTIMATE:

| PORTIONS OF WORK, AND DETAIL. | Sterling Amount of each Item. | Sterling Amount of each Portion. |
|--|-------------------------------------|--|
| | £. s. d. | £. s. d. |
| DAM across the North River below the entrance of the proposed Feeder, in length 200 feet - - - } | 475 - - | |
| Dam across the Channel round Isle aux Châts, of a similar description, in length 150 feet - - - } | 356 5 - | |
| Clearing on the site of the Feeder 8 acres, at per acre, £. 4 - - - } | 32 - - | |
| Excavation of 10,575 cubic yards of earth and rock, including the removal of stumps and boulders, at per cubic yard, 1 s. 6d. - - - } | 793 2 6 | |
| Bridge for High Road, and Sluice - - - - - } | 320 12 - | |
| Making Total for Feeder - - - - - } | - - - | 1,976 19 6 |
| Excavation of 114,095 cubic yards in formation of Canal, nearly equal portions of earth and rock, including the removal of numerous boulders, at per cubic yard, 2s. 6d. } | 14,261 17 6 | 14,261 17 6 |
| Excavation for N° 1, Lock, Pit, and upper Entrance from River Ottawa, 7,058 cubic yards, at 5s. - - - } | 1,764 10 - | |

| PORTIONS OF WORK, AND DETAIL. | Sterling Amount of each Item. | Sterling Amount of each Portion. | Correspondence relative to the Canal Communi- cation in Canada. |
|---|-------------------------------------|--|--|
| Excavation for N° 2, Lock, Pit, in rock, 3,708 cubic yards, at 5s. - - - - - | £. s. d. 927 - - | £. s. d. | |
| Excavation for N° 3, Lock, Pit, in rock and water, 5,032 cubic yards, at 6s. - - - - - | 1,509 12 - | | |
| Making for Excavation, Total - - - | - - - | 4,201 2 - | |
| Dam across Valley, 450 feet long, 10 feet high - - | 825 6 - | 825 6 - | |
| Waste Weir - - - - - | 163 7 6 | 163 7 6 | |
| Grubbing in Valley, 8 acres, at per acre, £. 10 - - | 80 - - | 80 - - | |
| Dry Masonry in Pier or Breakwater at the proposed Lower Entrance to Canal, 611 toises, at £. 1 - - | 611 - - | 1,411 - - | |
| Wheeling of Excavation to fill in behind Pier, extra - | 800 - - | | |
| Excavation through rock in bed of River, in clearing lower Entrance, 1,166 cubic yards, at 6s. 6d. - - | 378 19 - | 378 19 - | |
| Two Coffe Dams, and Machinery for pumping - - | 600 - - | 600 - - | |
| Lock at upper Entrance, as per former Estimate - - | 5,641 7 - | 16,629 16 4 | |
| Two Locks at lower Entrance - - - - - | 10,988 9 4 | | |
| Two Lock Houses, as per former Estimate - - - | 299 17 4 | 299 17 4 | |
| New Road - - - - - | 433 6 8 | 433 6 8 | |
| Fencing - - - - - | 69 6 8 | 69 6 8 | |
| | | 41,330 18 6 | |
| Contingencies, to - - - | - - - | 4,133 1 10 | |
| TOTAL Amount Sterling - - - | - - - £. | 45,464 - 4 | |

Royal Engineer Office, Quebec,
29th May 1830.

(signed) *Henry Du Vernet,*
Lieut. Col. Royal Staff Corps.

(signed) *E. W. Durnford,*
Colonel Commanding Royal Engineers, Canada.

No. 119.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. K. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 13 Sept. 1830.

I AM directed by Secretary Sir George Murray to transmit to you herewith, for the information of The Lords Commissioners of the Treasury, a copy of a Dispatch which has been received from Lieut.-General Sir James Kempt, enclosing an Abstract Report of the Expenditure on the Rideau Canal, up to the 30 June last.

I am, &c.

(signed) *R. W. Hay.*

30 July.

No. 120.—DESPATCH from Lieut.-General Sir *James Kempt*, to the
Right Hon. Sir *George Murray*, &c. &c. &c.

SIR,

Castle of St. Lewis, Quebec,
20th July 1830.

HAVING received from the commanding Royal Engineer in Canada the enclosed abridged Abstract Report of the Expenditure on the Rideau Canal to the 30th ult. amounting to £.441,183. 7. 8½. I do myself the honour of herewith transmitting it to you, for your information.

I have the honour, &c.

(signed) *James Kempt.*

No. 121.—ABSTRACT REPORT of the WORKS on the Line of the *Rideau Canal*,

| SECTIONS. | ESTIMATE handed to Committee. | EXPENDED. | Probable AMOUNT of Works when completed, supposed to be on 12th August 1831. | EXCESS. |
|---|-------------------------------------|--------------|---|---------------|
| | £. s. d. | £. s. d. | £. s. d. | £. s. d. |
| Entrance Valley, and first Eight Locks | 68,413 11 4 | 58,684 12 1 | 69,831 18 8½ | 1,418 7 4½ |
| First Eight Locks to Hog's Back - | 43,372 17 9 | 74,011 - 11½ | 92,414 19 11½ | 15,299 15 11 |
| Hog's Back to Capt. Wilson's Still Water | 30,658 - 3 | | | 3,084 6 - |
| Black Rapids - - - - - | 10,613 12 5 | 13,041 6 7 | 13,875 11 6 | 3,243 19 1 |
| Long Island Still Water - - - | 22,504 2 6 | 29,298 8 1 | 36,305 18 3½ | 13,801 15 9½ |
| Burrett's Rapids - - - - - | 11,249 9 5 | 7,965 8 7½ | 12,546 9 10½ | 1,297 - 5½ |
| Nicholson's Rapids - - - - - | 10,725 9 4½ | 8,757 15 1 | 14,664 13 5½ | 3,939 4 -½ |
| Clow's Quarry - - - - - | 9,865 - 4½ | 11,060 14 9½ | 11,061 14 1½ | 1,196 13 9 |
| Merrick's Mills - - - - - | 17,906 10 9 | 16,195 1 9½ | 21,278 6 4 | 3,371 15 7½ |
| Maitland's Rapids - - - - - | 5,776 5 7 | 9,034 - 8½ | 10,227 18 7½ | 4,451 13 -½ |
| Edmonds' Rapids, including Phillips' Bay - - - - - | 14,182 6 3 | 5,068 10 -½ | 11,972 12 7½ | - - - |
| Old Sly's Rapids - - - - - | 12,248 18 10½ | 12,132 12 5½ | 17,846 4 5 | 5,597 5 6½ |
| Smith's Falls - - - - - | 20,408 10 5½ | 16,597 1 10½ | 33,504 4 7 | 13,095 14 1½ |
| First Rapids - - - - - | 10,718 1 10½ | 5,169 9 10½ | 18,571 1 5½ | 7,852 19 7 |
| Oliver's Ferry - - - - - | 100 - - | - - - | - - - | - - - |
| Narrows, Rideau Lake - - - - | 409 10 - | 589 15 3 | 5,427 1 10 | 5,017 11 10 |
| Isthmus, Rideau Lake, and Strait between Mud and Clear Lakes - - | 13,639 3 - | 15,428 18 2½ | 27,077 17 2½ | 13,438 14 2½ |
| Chaffey's Mills, and small Isthmus, Indian Lake - - - - - | 20,799 16 2½ | 6,171 12 9½ | 14,553 18 9½ | - - - |
| Davis' Rapids - - - - - | 8,988 9 9½ | 3,910 19 1½ | 8,487 3 3 | - - - |
| Jones' Falls - - - - - | 39,136 10 3½ | 32,438 12 3 | 54,301 8 1½ | 15,164 17 10 |
| Cranberry Marsh and White Fish Falls | 1,384 - - | 1,032 10 10½ | 1,671 8 4½ | 287 8 4½ |
| Brewer's Upper Mill and Round Tail - | 17,219 16 -½ | 6,150 17 6½ | 16,908 4 8 | - - - |
| Brewer's Lower Mill - - - - - | 11,262 19 11½ | 2,240 13 2½ | 10,612 16 11 | - - - |
| Kingston's Mills, including Tack Riffs and Billidore's Riffs - - - - | 49,382 7 5 | 27,768 7 10½ | 52,274 12 4½ | 2,892 4 11½ |
| Civil and Military Establishments, Barrack, &c. and General Contingencies | 128,635 5 8½ | 78,434 17 7½ | 138,050 16 4½ | 9,415 10 8½ |
| £. | 579,600 15 7½ | 441,183 7 8½ | 693,449 11 10½ | 123,866 18 2½ |

TOTAL AMOUNT Expended on the Rideau Service - -

showing Amount of original Estimate, Sums Expended, and Amount when completed.

| Probable Time of Completion. | R E M A R K S. |
|---|--|
| October - 1830 | In consequence of the foundation turning out bad, constructing of drain, &c. See Report, 31st December 1829. |
| October - 1830 | In consequence of extra masonry required to the breastwork, from bad foundation constructing waste weirs, &c. |
| - - - | This excess includes the masonry required to the breastworks of the lock at Hartwells, in consequence of the nature of the foundation; the waste weir at Hartwells, and the guard lock which it was deemed expedient to place at the Hog's Back. Vide Details. |
| September 1830 | In consequence of increased height of dams, consequent increase of the volumes waste weirs to carry flood waters off, bad foundations, &c. &c.; pitching bottom of river with boulders; extra rock excavation for side walls, retaining walls for puddle. For further particulars, see detailed Reports, 31st December 1829. |
| October - 1830 | |
| November 1830 | In consequence of increased embankment, for security from proximity to river; constructing waste weir, extra excavations. Vide Details. |
| November 1830 | In consequence of dividing the lift, increased height of dam, construction of waste weir to prevent valuable land being drowned. |
| August - 1830 | In consequence of injury the dam sustained from flood, 1828, removal of old material, construction of waste weir. |
| November 1830 | In consequence of deviation from original line in Timber Snie, extra grubbing, detached lock, extra sills, basin walls, deepening river, &c. &c. |
| September 1830 | In consequence of extra pumping, extra rock excavations, &c. &c.; as also dry stone walling found requisite. |
| July - - 1831 | £. 2,209. 13. 7½. saving, in consequence of doing away with works at Phillips Bay, and putting whole lift on Edmonds. Vide Detail, 31st December. |
| November 1830 | Extra clearing, extra rock excavations, straitening entrance, lining side of lock next river with ashlar, increased dimensions of dam, constructing a waste weir, &c. |
| August - 1831 | From impracticability of raising water to intended height, construction of detached lock, extra rock excavation. |
| August - 1831 | In consequence of extra clearing of land for free circulation of air, increased width of excavation in consequence of impracticability of raising water so high as intended by Smith's Falls Dam, thereby incurring more excavation. |
| - - - | £. 100. saving. |
| August - 1831 | To save expense of a rock excavation at Isthmus; to have a head of water in reserve in Upper Rideau Lake, to scour muddy bottom below Narrows, &c. &c. |
| September 1830 | In consequence of much greater proportion of excavation turning out rock, than could at first be ascertained, from want of boring rods; as also by construction of lock at this place, deemed advisable to save such expensive rock excavation. |
| July - - 1830 | £. 6,245. 17. 5½. saving { In consequence of throwing more water back by dam at Davis's Mills, saving rock excavation, doing away with guard lock, &c. &c. |
| November 1830 | £. 501. 6. 6½. saving { In consequence of substituting a mound of rubbish, retaining walls and puddle in place of arch key'd work, there being no material at hand fit for such works. |
| August - 1831 | In consequence of avoiding most difficult lock excavation, bad foundation of river lock, angling lock to suit line of navigation down the marsh, as also extra height of dam, construction of waste weir. |
| July - - 1831 | In consequence of its being found advisable to cut stumps two feet lower, securing White Fish dam, and for carriage of limestone, &c. for works at Jones Falls. |
| July - - 1831 | £. 311. 1. 4. saving. |
| November 1830 | £. 650. 3. -½. saving. |
| August - 1831 | In consequence of increased height of dam to save sickness and excavation; construction waste weir, &c. |
| August - 1831 | Erecting barracks, stores, slaughter-house; drawing water; travelling expenses, canoes, solicitors' fees; purchase of land, and damages; constructing of stone bridge, forming roads through the woods, &c. &c. |
| Amount of Additional Works - - - £. 123,866 18 2½ | |
| Ditto - Savings - - - 10,018 2 -½ | |
| Real Excess on Estimate given to Committee - £. 113,848 16 2½ | |

- - from 21st September 1826 to the 30th June 1830 - - £. 441,183. 7. 8½. Sterling.

(signed)

John By,

Lt. Col. Roy's Engineers Commanding, Rideau Canal.

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 122.—LETTER from Lieut.-Colonel *By* to Colonel *Durnford*,
&c. &c. &c.

Royal Engineer Office, Rideau Canal,
15th March 1830.

SIR,

I HAVE the honour of transmitting the Progress Report of Works, detailing my disbursements from the commencement of the Rideau Canal, on the 21st September 1826 to the 31st December 1829, from which it appears that £. 349,264. 13. 2. has been expended, and that sum reported; but, on re-examining the accounts, the sum appears to be £. 350,685. 12. 1½.

I have also the honour of transmitting Plans and Sections of some of the principal Works; also Plans showing the lands taken for the use of the Canal, and those that are supposed will be required for the military defence of the same; as also my letter to General Mann, stating the probable expense of erecting block-houses and bridges, and the purchase of land for the military defence of the Canal, amounting together to £. 69,230, which, added to the sum of £. 342,763. 19. 9. required to complete the Canal, as appears by the accompanying detailed Report (errors excepted), makes the total sum required £. 411,993. 19. 9. And I solicit your explaining to his Excellency Sir James Kempt, when you lay the Report and Plans before him, that although £. 411,993. 19. 9. is still required to complete the various services connected with the Rideau Canal, yet

| | | | |
|-----------------|------------|------------|-------|
| The Estimate of | £. 576,757 | 12 | 2½ |
| Errors detected | - | 2,843 | 3 5½ |
| | | <hr/> | |
| | | £. 579,600 | 15 7½ |

given to the Committee in June 1828, will only be exceeded by £. 30,134. 8. 9½. which is a trifling sum, when compared with the magnitude of the works, and the uncertain value of workmanship and materials at the time the Estimate was formed: the remainder of the sum required, amounting to £. 83,714, is for works not provided for in the Estimate, nor could they have been foreseen at the time of forming the Estimate, they having been found, by experience, as the works progressed, indispensably necessary, as explained in the Report.

To avoid the continuation of the expense of the Civil and Military Establishments I have recommended that the whole of these works be carried on at the same time; therefore, if this is approved of, and his Excellency recommends the purchase of the lands, there will, in all probability, be required for this year £. 200,000, and for the year 1831, £. 211,993. 19. 9., as appears by the detailed Report, and my letter to General Mann of this day's date.

I further beg to observe, that about forty other Plans and Sections are required to show all the works in progress, but fear the works will be completed before I shall have it in my power to furnish you with a complete set to lay before his Excellency, as the superintendence of the various works fully occupies myself and officers.

I have, &c,

(signed) *John By,*

L' Col' R' Eng' Commanding, Rideau Canal.

No. 123.—LETTER from Lieut.-Colonel *By* to General *Mann*,
&c. &c. &c.

SIR,

Royal Engineers' Office, Rideau Canal,
15th March 1830.

I HAVE the honour to transmit, for the information of his Lordship the Master General and Board, the Progress Report of Works on the Rideau Canal, from their commencement on the 21st September 1826 to the 31st December 1829, from which it appears that £. 349,264. 13. 2. has been expended; but, on examining the accounts, the sum appears £. 350,685. 12. 1½.

I have also the honour of transmitting Plans, showing the quantity of land taken for that service, distinguishing the quantity that will in all probability be required for the military defence of the said works; also a Plan showing the crown and clergy

clergy reserves in the vicinity of the Rideau Canal; and have coloured these lots pink which I am respectfully of opinion should be held by Government, and leased at moderate rents to the emigrants. As these lots have been recently offered to me by one of the agents of the Canada Land Company at four dollars per acre, saying his instructions were to charge six dollars per acre to any other person, consequently this monopoly is keeping that part of the country which ought to be immediately settled, in a state of wilderness; and, as it appears, from the accompanying affidavits, as also from Dr. J. Dunlop's letter herewith enclosed, that these lots are of comparatively little value, I have no doubt but Government could obtain them on moderate terms.

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cation in Canada.

The Report and Plans of the works should have been sent with my letter of the 31st December 1829, but were unavoidably delayed in consequence of my not being able to collect some of the measurements and plans, owing to the impassable state of the roads, which continued until the 12th January, when I visited each work, and found the contractors making every arrangement to enable them to carry on the works with rapidity.

I have marked on the accompanying Plans the places where I recommend the erection of block-houses similar to the enclosed Plan, as they would answer as dwellings for the lock-masters, and men required to attend the locks and to clear away drift timber, &c., which, as the settlement of the country on the line of Canal has already commenced, will require great attention for some years, it being impossible to prevent the settlers from throwing trees into the river, that being the cheapest mode of getting rid of those growing on the banks. The lower part of these block-houses I propose building with stone, there being a sufficient quantity remaining at each station from the rock excavation to enable that part to be built of masonry, with walls four feet thick, at the same price as timber. These walls would support strong flooring beams, with a layer of masonry, to render the lower stories fire-proof and nearly bomb-proof, as shown by the Section. The roofs and timber-work I propose covering with tin, which will render these buildings very durable and difficult to destroy by fire, as tin remains free from rust in this climate upwards of sixty years. I am therefore most respectfully of opinion, that these block-houses would tend much to the general strength of that part of the country, and recommend the forming a square redoubt round each, which would add much to their formidable appearance, and serve as mustering-places for the militia of the surrounding country.

Taking the twenty-two stations where I have proposed these works, one with another, I estimate each block-house and redoubt (the latter to be formed of the excavations necessary to sink the lower story) at £.1,500 each, consequently £. 33,000 will be required for that service, and shall delay building the lock-masters' houses until I am favoured with instructions from the Honourable Board on this subject. These block-houses are proposed on a large scale, that they may serve as secure depôts in time of war for provisions, ammunition and small arms, for the militia, as large villages are forming at every station where there are locks building. The magazine, in one corner of the ground-floor of the block-house, will contain 264 barrels of gunpowder, leaving an air passage round the walls; and the remainder of the said floor will form an excellent provision store for 600 barrels; the two upper floors would form a barrack for 150 men, but the building could be defended by twenty. The crest of the glacis I do not propose forming into a covert way until time of war, as earth works are difficult to keep in repair in this climate. The ports are proposed to be made five feet high by four feet wide, that they may be used as doors or windows until required as ports, when I recommend their being reduced to the proper size, by lining them with raw hides well salted and rolled tight, and jammed in whilst moist, which is an excellent mode of protecting the ports from being damaged by the discharge of their own guns.

The Progress Report and Plans show the works as they are now completing; and although it will be seen, by examining the Plans, that many alterations have been made from the original design, formed when the country was covered with forest, and consequently the best positions for the works could not at that moment be seen, yet I have no doubt the whole will be finished in August 1831: and I beg to state, notwithstanding the excavations are carrying on at the lower lock at Kingston Mills, also the deepening and clearing Cataroque Creek, and cutting through the Isthmus between Mud and Rideau Lakes during the winter, which,

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owing to the intense frost, adds considerably to the expense, yet such is the dreadfully offensive smell arising from the decayed vegetable matter in these excavations, that I am apprehensive of the breaking out of the fever afresh, and have, as a matter of necessity, to lessen these expensive excavations, ordered the dam and locks at Kingston Mills to be raised, which lessens the excavations in Cataroque Creek : I have also increased the height of the dam and lock at Davis's Mill, to lessen the excavation necessary to form a good entrance into the lock at Chaffies ; and I have ordered a lock at the Isthmus, between Mud and Rideau Lakes ; these two latter works enable me to raise the Upper Rideau Lake four feet above the proposed summit level, and do away with the necessity of taking out the lower four feet of the cut across the Isthmus, which is about a mile and a half long. This is a great point gained ; for such are the dreadful effects of the lake fever, that it is impossible to calculate the expense that would otherwise have been incurred in removing this four feet ; and I trust that these alterations will be the means of great saving both in life and money.

* Which should be
£.579,600. 15. 7 ½.

With reference to my letter of 31st December 1829, I beg to observe, that I omitted, in my statement of the sums required to complete the works, the expense of those not provided for on Estimate amounting to £.113,848. 16. 2 ½., which, when added to the Estimate, of £.576,757. 12. 2 ½.* given to the Committee, of which his Excellency Sir James Kempt was President, in June 1828, will make the sum of £.693,449. 11. 10 ½., as appears by the accompanying Report. At the same time I beg to be clearly understood, that these sums do not include the expense of building the proposed block-houses, or the purchase of the land necessary for the military defence of the Rideau Canal, or the forming the reservoir to supply the first eight locks, which is also intended to serve as a wet ditch to strengthen the position of the proposed works for the defence of the entrance of the Canal, and to prevent the erection of any building on the land that will be required for a glacis : the Provincial Act authorizes this land being taken for a reservoir ; but if it had been taken for the military defence of the Canal, Mr. Sparks, the proprietor, informed me, he should ask £.10,000 for the eighty-eight acres I have taken for the said reservoir, which in fact, being chiefly swamp, is worth very little. I therefore respectfully recommend, to prevent future litigation, that £.6,000 should be spent in forming this reservoir, and that £.2,000 should be spent in carrying the earth to the spot where the ramparts of the said works will ultimately have to be placed, as this position is one of the strongest in Upper Canada : neither is included the expense of erecting bridges, which the Provincial Act for the Rideau Canal provides shall be erected wherever the Canal crosses a public road ; and as the Canal is causing the country to settle rapidly, notwithstanding the high price charged by the Canada Land Company, as already noticed, the number of bridges required will in all probability increase yearly, until every concession road is supplied ; but as the traffick on the Canal will be augmented by the number of roads leading to it, the expense of these bridges will soon be repaid. At present I suppose I shall be called upon to erect thirteen, and estimate them as follows,—

| | £. |
|--|-------|
| One at Notch of the Mountain - - - - - | 300 |
| — Hog's Back - - - - - | 300 |
| — Long Island - - - - - | 400 |
| — Burritt's Rapids - - - - - | 430 |
| — Nicholson's Rapids - - - - - | 400 |
| — Merrick's Mills - - - - - | 400 |
| — Maitland's - - - - - | 400 |
| — Edmond's Rapids - - - - - | 400 |
| — Old Sly's - - - - - | 400 |
| — Smith's Falls - - - - - | 500 |
| — Isthmus Rideau Lake - - - - - | 300 |
| — Narrows Rideau Lake - - - - - | 400 |
| — Chaffies Mills - - - - - | 300 |
| — Cataroque Creek - - - - - | 300 |
| — Kingston Mill, where the Canal crosses the road leading to Montreal ; at this place a stone bridge is proposed, which, with its approaches, will cost - - - - - | 3,000 |
| £. | 8,230 |

| | |
|---|--------|
| Therefore, speaking in round numbers, if the twenty-two | £. |
| Block-houses are ordered to be built, there will be | 33,000 |
| required for that service - - - - - | |
| For the purchase of Land required for Military Works - | 20,000 |
| Forming the Reservoir, and removing the earth - | 8,000 |
| Building fourteen wooden Bridges, and one of stone - | 8,230 |
| | <hr/> |
| £. | 69,230 |

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cation in Canada.

I further beg to observe, that the whole of these works should be carried on simultaneously with the Rideau Canal, and be completed within the same period; so that the present establishment may be discharged at the close of the Canal works. And should the above-mentioned works be approved, there will be required £.200,000 for the present year, and £.211,993. 19. 9. for the year 1831; and I beg to remark, that, with my present strength of officers, I fear the works will be completed before I have it in my power to lay before the Honourable Board a complete set of Plans of all the works of the Rideau Canal.

I have, &c.

(signed) *John By,*
Lieut.-Colonel Roy^l Eng^s Com^s, Rideau Canal.

N. B.—I beg to apologize for the slovenly state in which, to save time, I am obliged to send my Progress Report; and have to observe, that it has been occasioned by the temporary insanity of my first clerk, Mr. H. H. Burgess, and the ill state of health to which the lake fever has reduced many of my other clerks and overseers; but, that the Report may be clearly understood, I have enclosed a Section, showing the lifts of each work, with the sum estimated, that expended, and that required to complete the same; from which it will appear the statement stands thus:—

| | £. | s. | d. |
|--|---------|---------|------|
| Amount of Estimate given to Committee, with correction of £. 2,843. 3. 5 ½. - - - - - | 579,600 | 15 | 7 ½ |
| Amount of Works not provided for on Estimate - - - | 113,848 | 16 | 2 ½ |
| Estimate of Bridges, Block-houses, &c. &c. - - - | 69,230 | - | - |
| | <hr/> | | |
| | 762,679 | 11 | 10 ½ |
| Expended 31st December 1829 - - - | 350,685 | 12 | 1 ½ |
| | <hr/> | | |
| | £. | 411,993 | 19 9 |
| Required for 1830 - - - - - £. 200,000 - - | | | |
| — 1831 - - - - - 211,993 19 9 | | | |
| | <hr/> | | |
| | 411,993 | 19 | 9 |

(signed) *John By,*
Lieut.-Colonel Royal Eng^s Com^s, Rideau Canal.

| | £. | s. | d. |
|--|---------|--------|-----|
| Amount of Estimate - - - - - | 579,600 | 15 | 7 ½ |
| Excess on ditto - - - - - | 113,848 | 16 | 2 ½ |
| Amount of Works, which could not be foreseen - - - | 83,714 | 7 | 5 ½ |
| Excess on Estimate given to the Committee - - - | £. | 30,134 | 8 9 |

(signed) *John By.*

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relative to the
Canal Communi-
cation in Canada.

No. 124.—LETTER from Colonel *Durnford* to Lieut.-Colonel *Couper*,
&c. &c. &c.

SIR,

Royal Engineer Office, Quebec, 24th April 1830.

I HAVE the honour to forward, for the information of his Excellency the Commander of the Forces, copies of two letters from Colonel Mann, Nos. 301 & 307, of the 7th October and 3d November last, and enclosures, calling on me to report, in the fullest detail, on the Estimate of the Committee of which his Excellency was President, amounting to £.558,000, for the Rideau Canal.

In obedience to the above instructions, I am about to transmit a Report I have drawn up for General Mann's information, founded upon a separate detail of each particular work, compiled by Lieut.-Colonel By, which, according to our united judgment, would afford the fullest information; which Report I beg to enclose, in case his Excellency may have observations to make thereon before it goes.

His Excellency will perceive that Lieut.-Colonel By has already exceeded, by the sum of £. 54,000, the amount of the several grants of Parliament to the end of the year 1829, viz. £. 296,000.

His Excellency will also perceive that, from the extract from Mr. Stewart's letter to the Secretary to the Board of Ordnance, that a vote for the sum of £. 140,000 will be submitted to Parliament for 1830, making £. 296,000 + 140,000 = 436,000 to the end of 1830.

Having just received from Lieut.-Colonel By, for the information of his Excellency, a letter under date the 26th March 1830, No. 56, accompanied by an abridged abstract, from which it appears that he has expended the sum of £. 391,000 nearly, up to the 25th ultimo, consequently there now remain (supposing that the £. 140,000 is granted for 1830) only £. 45,000 to be expended to the end of the present year; I therefore think it my duty to ascertain, in due time, from his Excellency, whether it be his desire that Lieut.-Colonel By should be restricted from expending beyond the extent of the votes of Parliament up to that period. At the same time it appears to me to be my duty respectfully to observe, that as the whole of the contractors have already executed fully half their respective undertakings, and laid in materials and stores to enable them to complete their engagements in the most faithful and satisfactory manner, I am apprehensive that the least check to their exertions would inevitably produce such appeals to the courts of Justice, as would involve the government in expenses far beyond the amount of their engagements with the contractors, and tend to paralyze the undertaking.

I have, &c.

(signed) *E. W. Durnford*,
Colonel Commanding Royal Engineer,
Canada.

No. 125.—LETTER from Lieut.-Colonel *Couper* to Colonel *Durnford*,
&c. &c. &c.

SIR,

Military Secretary's Office, Quebec, 27th April 1830.

I HAVE had the honour to receive and lay before his Excellency the Commander of the Forces, your letter (69) of the 24th instant, with your Report on the Rideau Canal therein enclosed, addressed to Colonel Mann, of the same date, and I have received his Excellency's commands to express to you his surprise and concern at the great excess of the annual expenditure on the work above the sum appropriated towards its progress, by the Imperial Parliament; and also, that the aggregate cost of the work will so much exceed the approved estimate.

His Excellency commands me to convey to you his decided opinion, that no expense should be incurred upon the Rideau Canal exceeding the annual appropriation for the year, which Government, by existing contracts, are not pledged to defray; and that no additional works of any magnitude, not included in the original estimate, should be undertaken until they have been previously approved by competent authority. The enclosures which accompanied your letter are herewith returned.

I have, &c.

(signed) *G. Couper*, M. S.

No. 126.—LETTER from Colonel *Durnford* to Colonel *Mann*,
&c. &c. &c.

Correspondence
relative to the
Canal Communication
in Canada.

SIR,

Royal Engineer Office, Quebec, 24th April 1830.

1.—IN obedience to General Mann's instructions, communicated to me by your Letter, No. 301, of the 7th October last, and with reference to your other letters, No. 281, of the 28th July, and No. 307, of 3d November last, to the several documents which accompanied them, and to my letter to you, No. 14, of the 8th February last, and enclosures, I have now the honour further to report, for his information, as follows:

2.—On receipt of the above instructions, I forwarded copies of them to Lieut.-Colonel By, and requested him to prepare every necessary information in his power to enable me to comply with them.

3.—As soon after the transmittal of my letter to you, above referred to, as laid in my power, I proceeded to By Town, and accompanied by Lieut.-Colonel By, inspected the several works along the whole line of the Canal.

4.—Having business of importance to attend to, at the time, both at Grenville and Quebec, and the winter season being on the break up, it was out of my power to remain at By Town till Lieut.-Colonel By's Report was completed; but I have carefully examined and considered it in all its bearings, and beg to submit the following leading observations, which occurred to me in going through it, for General Mann's favourable consideration.

5.—The accompanying Report, Plans, &c. received with Lieut.-Colonel By's letter to me of the 15th ultimo, (of which I inclose a copy) only reached me on the 30th ultimo, and are very voluminous, but it is hoped they will afford a satisfactory detail of the expenditure up to the 31st December 1829, as well as of that which it is now considered will be further necessary to complete the work, showing the probable excess of the present Estimate upon that reported by the Committee.

6.—I cannot but consider the explanations afforded by Lieut.-Colonel By, in his letter to me, No. 32, of the 30th of December last, in remonstrating against the reduction of his Estimate, by the Committee, as reasonable, and trust they will be admitted to be so.

7.—Lieut.-Colonel By states, that there were errors in that Estimate amounting to £.2,843, the corrections of which increased the amount from £.576,757 to £.579,600, but gives no explanation of them.

8.—Lieut.-Colonel By states that, although the amount of his present Estimate exceeds that given by him to the Committee (with the addition of the corrections) by £.113,848, £.83,714 of this sum are for additional works, neither contemplated by himself nor ordered by the Committee, and consequently not provided for in his Estimate, but the necessity of which has become apparent during the progress of the work; amongst which, waste weirs at each dam and nest of locks, are the most important and expensive, and which I am surprised should not have been considered necessary, after the particular attention called for to them by Major-General Sir J. C. Smyth, in his memoranda, dated 14th March 1826. On my visit of inspection of the Canal shortly after the failure of the Hog's Back dam, I expressed my opinions in favour of them to Lieut.-Colonel By, who having become equally sensible of their necessity, adopted them throughout the Canal, and their beneficial effects have already been satisfactorily proved in a great measure.

9.—The following is an Abstract of the Items of his present Estimate, viz.

To the amount of his Estimate as given to the Committee - £.576,757

Lieut.-Colonel By states there must be added the following sums, viz.

| | | |
|---|-----------|--------|
| 1. For errors in that Estimate | - - - - - | 2,843 |
| 2. Excess on - ditto | - - - - - | 30,134 |
| 3. Works not contemplated nor provided for in ditto | - - - - - | 83,714 |
| 4. Blockhouses | - - - - - | 33,000 |
| 5. Land for ditto | - - - - - | 20,000 |
| 6. Reservoir at By Town | - - - - - | 8,000 |
| 7. Bridges | - - - - - | 8,230 |

Making a Total of - - - - £.762,678

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cation in Canada.

10.—From the foregoing Abstract it will appear, that in addition to the sum of £. 558,000, reported by the Committee, the further sum of £. 204,678 will be required.

11.—Lieut.-Colonel By reports, that he has expended £. 350,685 up to 31st December 1829, consequently there remains £. 411,993 required for the years 1830 and 1831, of which he proposes to expend £. 200,000 in 1830, and the remainder £. 211,993 in 1831.

12.—From the extract from Mr. Stewart's letter to the Secretary to the Ordnance, dated 18th September 1829, communicated to me with your letter, No. 301, above referred to, it appears that the sum of £. 296,000 had been granted by Parliament, including the grant for 1829, leaving £. 262,000 to be further granted to complete the amount of £. 558,000 reported by the Committee; and as it further appears, from the same extract, that a vote for the sum of £. 140,000 will be submitted to Parliament for 1830, it follows that £. 326,678 remain to be submitted, to make up the sum of £. 762,678, the amount of the present Estimate.

13.—The Plans show the quantities of land proposed to be taken, both for the immediate purposes of the Canal, as well as its defence.

14.—The extent of land that will be overflowed, cannot be fully ascertained before the completion of the work, but steps have been taken to ascertain its present value, with the view to prevent future litigation, as will be seen by the accompanying affidavits.

15.—By the fourth article of the Rideau Canal Act, it will be seen, that the claims of proprietors need only be settled as the several portions of the Canal are completed; and by the ninth article of the same, the benefits likely to accrue to them from the Canal are to be taken into consideration, in favour of Government, in estimating compensation, though not beyond the value of the land or property before the Canal was begun.

16.—The lands adjacent to the Canal were generally in the hands of private individuals or corporate bodies, previously to the commencement of the Canal.

17.—The Rideau Canal Act not appearing to include land required for works of defence, I applied to his Excellency Sir James Kempt, under date the 19th December last, No. 47, and Lieut.-Colonel By, by my desire, applied to his Excellency Sir John Colborne, under date the 26th December last, to procure a revision of the Act; by some accident my letter, No. 47, never reached the Military Secretary, of which I did not become aware till lately, when I immediately transmitted to him a duplicate of it, with my letter, No. 63, of the 13th instant, and received his reply, No. 136, of the 14th instant. Lieut.-Colonel By has not communicated to me any reply to his application, I am therefore unable at present to afford information as to what steps have been or may be taken.

18.—The accompanying correspondence, of which (I.) is an Index, together with the documents referred to in my fourteenth paragraph, will explain the present state of this case, as well as of the general question of the land and property.

19.—It appears to me advisable to form the reservoir at By Town at once, for the reasons assigned by Lieut.-Colonel By, and particularly to prevent litigation; and as this work is so intermixed with views of defence, I cannot (as I should otherwise have done) impute to him any want of foresight, in not having provided for it before.

20.—As the blockhouses, and land required for them, as proposed by Lieut.-Colonel By, considerably increase the amount of his present Estimate, and as the claims for the latter not being under the same legal control as those for the property taken for the immediate services of the Canal, would probably be very exorbitant, and more especially as the situations, necessarily proposed for these blockhouses as works of defence, would, in many instances, render them inconvenient as lock-masters' houses, I should recommend their being postponed until the general defences of the Canal shall hereafter come under consideration; and in the mean time to erect a smaller description of lock-master's house than at first proposed by Lieut.-Colonel By, similar to those on the Grenville Canal; or to take advantage of one of the log buildings of the contractors in the most convenient situation at each work, as a temporary measure. This arrangement would reduce the amount

of

of the present Estimate, and afford time for obtaining further local legal authority for taking such land as may be ultimately considered necessary for works of defence, including the blockhouses, which appear to be a suitable description of work, though those proposed are on rather a large scale.

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cation in Canada.

21.—Having reported that the sum of £.762,679, will probably be required to complete the Rideau Canal, it is but more justice to Lieut.-Colonel By to observe, that in water works of such magnitude and variety, the usual allowance for contingencies appears to be inadequate, and that casualties may yet be expected over which he can have no control, one of which, sickness, has already been a serious obstruction, and consequent cause of increase of expense, having rendered it necessary to prosecute excavations to a great extent, both of earth and rock, during the winter; so that too much reliance should not be placed even on this present heavy Estimate, which may yet be expected to be exceeded by several thousand pounds; but should this happen, General Mann may rely on its not being attributable either to Lieut.-Colonel By, his officers or contractors, of whose unremitted assiduity and perseverance I cannot speak too highly; and as I have before reported, the whole of the works appear to be executing in the most substantial manner.

I have, &c.

(signed) *E. W. Durnford,*
Col. Comm^d R^l Engineer, Canada.

P. S. I herewith forward, for General Mann's further information, a copy of my letter, No. 69, of the 24th inst. submitting the foregoing Report, &c. to his Excellency Sir James Kempt, together with a copy of his Military Secretary's reply, No. 142, of the 27th inst.

(signed) *E. W. Durnford,*
Col. Comm^d R^l Eng^r.

28 April 1830.

No. 127.—LETTER from *R. J. Routh, Esquire,* to the *Hon. J. Stewart,*
&c. &c. &c.

SIR,

Commissariat, Canada, Quebec, August 4, 1830.

No. 854.

I HAVE the honour to lay before you, for the information of the Right honourable my Lords Commissioners of His Majesty's Treasury, the undermentioned Inspection Returns for the posts of

Montreal (Cash only)
Grenville,
By Town, and
Kingston (Cash only).

I availed myself of this opportunity to pass through the line of the Rideau Canal, so that I might be more in possession of its localities, and judge of the nature of a service in which I am called to co-operate, and which has become nearly the most important in this command.

It is indeed a magnificent undertaking, worthy of the resources of Great Britain, and full of reputation to Colonel By, for the conception and boldness of the plan, and the promptitude of its execution. A vast tract of territory, much of it unexplored, will be opened to the enterprize of new settlers, and a new facility given to the developement of the country. The term Canal is scarcely applicable to the Rideau, which is rather a chain of rivers and lakes, united and made navigable by means of dams and locks. In many instances, particularly at the summit level on the Rideau Lake, the expanse of water is very extensive, and generally flows through a luxuriant country, interspersed with fine natural views and scenery.

The first eight locks of this Canal, which raise the water to By Town, bring it to a level somewhat above the Chaudière Lake; and a future communication between them may be anticipated hereafter as a probable and perhaps a natural result, when the success of the Rideau Canal shall be in full operation.

There is every reason to conclude that this last event will be realized during the sonson of 1831, probably in the early part of it; and meetings have been already

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cation in Canada.

advertized at Kingston, with a view of establishing steam-boats between that town and Montreal.

From the progress of the work, I was of opinion that nearly eighty miles above By Town, would be open to navigation towards the close of this season. The activity which prevails throughout the line is unremitting, and promotes the economy as well as the completion of the work. There are so many points that will become valuable posts on its termination, that I do not anticipate a reduction in the Rideau Commissariat; nor indeed is it to be desired, whilst the increasing resources and prosperity of the country are the causes which maintain the establishment.

The result of this work, uniting the great waters of the St. Lawrence and the Ottawa, and offering a safe internal navigation, will turn a large portion of the present trade of New York towards Canada; and this expectation should not be discouraged by heavy tolls. The increased trade would pay better than any imposition of taxes.

Whilst I am on this subject, it may be advantageous to submit to you a concise general view of the North American Canals.

The Ohio Canal, about 300 miles in length, communicating with the Ohio at Portsmouth, above Cincinnati, and with Lake Erie at Cleveland, will be opened towards the close of 1831, thereby establishing an uninterrupted inland navigation between New Orleans and Lake Erie. The trade of this Canal will naturally be directed towards New York, until the Welland Canal shall be practicable. The season is open earlier, and later, on the north side of Lake Erie, than it is on the south side towards Buffalo; and the expenses of the Erie Canal are high, and the voyage tedious. These are causes that will operate in favour of the Welland Canal; but some apprehensions are entertained in respect to this Canal, which it is feared will be a failure. It certainly appeared to me to be defective both in the course selected for it and its execution. The better direction would have been from the highest navigable part of the Grand River to Burlington Bay, being now so near the frontier, and so exposed; but notwithstanding these objections, it will be of great and important use to the country in its present direction, if it succeeds, as indeed any Canal would be, that would open the trade of Lake Erie and the upper country to the River St. Lawrence.

The Rideau Canal, from Kingston, will be the means of transport to Grenville.

The first six miles of his Canal (what is properly called the Grenville Canal) will be completed this year. To an unexperienced observer, some parts of it appear rather too serpentine for steam boats, and almost so for Durham boats, and much of its expense might have been avoided as well as this defect, if it is one, by cutting the upper part of this Canal through a ravine in its rear. It is understood that the locks are to be enlarged, being too narrow to admit a steam-boat. The work itself is admirable.

The excavation of the Châte à Blondeau is in progress, and far advanced; and a public notice has been advertised for tenders to be received on the 13th of this month, for the excavation of the Carillon. It is possible that these Canals may be practicable by the close of 1831, but there are reasonable grounds for inferring that the Rideau Canal will be completed before them.

Between the Carillon and Montreal there are still several difficulties to overcome, rather of a serious nature; and, in order to obviate these impediments, it has been proposed to make the passage navigable through the Rivière des Prairies, between the Isle Jesus and behind the Island of Montreal. This is no new project, but has been formerly entertained, and an officer of the Engineer Department, Lieutenant Bruyeres, I believe in 1822, was employed to survey the passage. The survey itself is still preserved amongst the Engineer Records at Montreal. The rough estimate of the excavation, to avoid the Falls of the Recollet in this river, has been calculated at £. 100,000 sterling; and this work would complete the navigation to Quebec, and open the river St. Lawrence to the whole and unembarrassed trade of North America.

As it appeared to me to be desirable that My Lords should be in possession of authorized Plans of the Rideau Canal, I applied to Colonel By for the means of furnishing their Lordships' Board with this information. I enclose to you three Plans,

Plans, which afford a satisfactory detail of this work, accompanied by copy of a letter addressed to me by Colonel By on the occasion. In this communication you will perceive the views entertained by this officer, both to facilitate the settlement of the lands in the neighbourhood and on the banks of the Canal, and for the gradual developement of the Ottawa and the country above the Chaudière Lake.

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cation in Canada.

He appears to consider that the increase of the lumber trade would pay a very ample interest for the sums expended in these improvements, and that this trade requires only these facilities of transport to be increased in any proportion; the red pine particularly appearing to be inexhaustible in that direction. He wishes to convert the timber channels at the Chaudière into locks, which he calculates would cost £. 20,000, and that the revenue of these locks should be applied to forming others at the Chat Rapids, and so on gradually, whilst the resources of this great river should encourage the experiment. He supposes also that these operations would terminate in the establishment of a permanent communication between the Ottawa and Lake Huron, which would certainly be a result of extraordinary importance to these provinces. We know that these communications, though interrupted, do exist, both in the line towards Lake Simcoe, and in several directions towards Lake Huron. The north-west traders are well acquainted with the route from this lake through French River by Lake Nipissing, to the Mattawoen, where the Ottawa abruptly turns to the north. On this subject a paper was put into my hands at By Town, detailing a journey of discovery undertaken to ascertain these objects; and as a record of future reference in case the matter of it should ever be under discussion, I venture to lay it before you for their Lordship's information. It is an account of a journey to the Rapids of the Deux Rivières on the Ottawa, where the river separates the high lands of Upper and Lower Canada, and from thence to Penetanguishine, on Lake Huron, and is another proof of the imperfect information we possess of the extensive country so near our own settlements.

I have the honour to be, Sir,

Your very obedient servant,

R. J. Routh,

Commissary General.

No. 128.—LETTER from Lieut.-Colonel By to *R. J. Routh*, Esq.

&c. &c. &c.

SIR,

Royal Engineer's Office, Rideau Canal, 10 July 1830.

I HAVE the honour of inclosing, agreeable to your wish, for the information of PLANS. the Lords of the Treasury, Three Plans to accompany your Report to their Lordships on the state of the works of the Rideau Canal, when I had the pleasure of showing them to you in June last; and I beg to state that the bridges erected across the Ottawa, at the falls of the Chaudière, cost only £. 3,316. 18. 3 $\frac{1}{4}$; their tolls are let for £. 200 per annum Halifax currency, and their construction caused a saving of upwards of £. 40,000 at the commencement of these works in the masonry of the locks, as the very persons who are now building the locks at 1s. 1 $\frac{1}{2}$ d. per cube foot, declared they could not be built for less than 4s. per cube foot before I commenced building the said bridges, on account of the difficulty of communication.

The Timber channel, which I formed in the winters of 1826 and 1827, by order of the Earl of Dalhousie, cost £. 2,000 H. C.; this sum was paid by the two provinces out of the duties collected on the timber, which amounts to between £. 4,000 and £. 5,000 per annum; and I am happy to state that this trade is so rapidly increasing, that although Mr. Wright has formed another timber channel on the Hull side, to pass which the lumberer has to pay 5s. per crib, there is more timber collected on each side of the river above the falls than can be passed this season, which plainly points out the necessity of something more being done to prevent this trade being shackled by individuals.

The Diagram shows the land purchased for the use of the Rideau Canal, and the Crown and Clergy reserves on the borders of the Canal, which I recommend

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Government

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cation in Canada.

Government to keep in their own hands, and settle the Emigrants on them immediately, by giving Fifty acres to each at a low rent per annum; this would produce a dense population, and if they proved good settlers they might be moved to lots of 200 acres, and their fifty acres let to fresh emigrants; but on the present system the emigrants have no where to settle, and numbers wander to me in a starving state, asking for land, and when they are shown the back concessions, being afraid to encounter the wilderness, they pursue their journey until they reach the United States, which I trust my project would in a great measure check.

I have the honour to be, Sir,
Your most obedient humble Servant,

(signed) *John By,*
L^t Col. R^l Eng^r.

No. 129.—LETTER from *R. W. Hay, Esq.* to the Hon. *James Stewart,*
&c. &c. &c.

SIR,

Downing-street, 2 Feb. 1831.

I AM directed by Viscount Goderich to transmit to you the copy of a letter from Mr. Byham, stating, by desire of The Master General and Board of Ordnance, that the undermentioned Sums will be required for carrying on the Works of the Rideau and Grenville Canals, in the present year; viz.

| | | | | | | |
|---|---|---|---|---|---|-------------------|
| For the Rideau | - | - | - | - | - | £. 256,782 |
| For the Grenville, and other Canals on the Ottawa | - | | | | | 40,000 |
| | | | | | | <u>£. 296,782</u> |

I am to request that you will lay the same before the Lords Commissioners of the Treasury, acquainting their Lordships, that Lord Goderich is disposed to recommend that Estimates for the whole sum proposed by the Ordnance, however large the amount, should be submitted to Parliament; and thus the necessity may be avoided of continuing the expenditure of public money, not voted by Parliament, on Works which from their advanced state may be expected to be completed in August next.

I am, Sir,
Your obedient Servant,
R. W. Hay.

No. 130.—LETTER from *R. Byham, Esq.* to *R. W. Hay, Esq.*
&c. &c. &c.

SIR,

Office of Ordnance, 24 Jan. 1831.

THE Master General and Board of Ordnance having taken into consideration the question as to the sums which will be required for carrying on the Works of the Rideau Canal and Grenville Canal in the present year, for which services the money is not voted in the Ordnance Estimates;

I am directed to acquaint you therewith, for Viscount Goderich's information; and to request you will submit to his Lordship, that upon considering the necessary reports and documents upon this subject, the two following Sums are those which the Master General and Board suggest should be voted in the Colonial Estimate for the year 1831, the works being all in progress and reported to be indispensably necessary; viz.

| | | | | | | |
|---|---|---|---|---|---|-------------------|
| For the Rideau | - | - | - | - | - | £. 256,782 |
| For the Grenville, and other Canals on the Ottawa | - | | | | | 40,000 |
| | | | | | | <u>£. 296,782</u> |

I have, &c. &c.
(signed) *R. Byham.*

No. 131.—A STATEMENT of the Amount granted and applied, and required to be granted, for completing the Canal Communications in *Canada*.

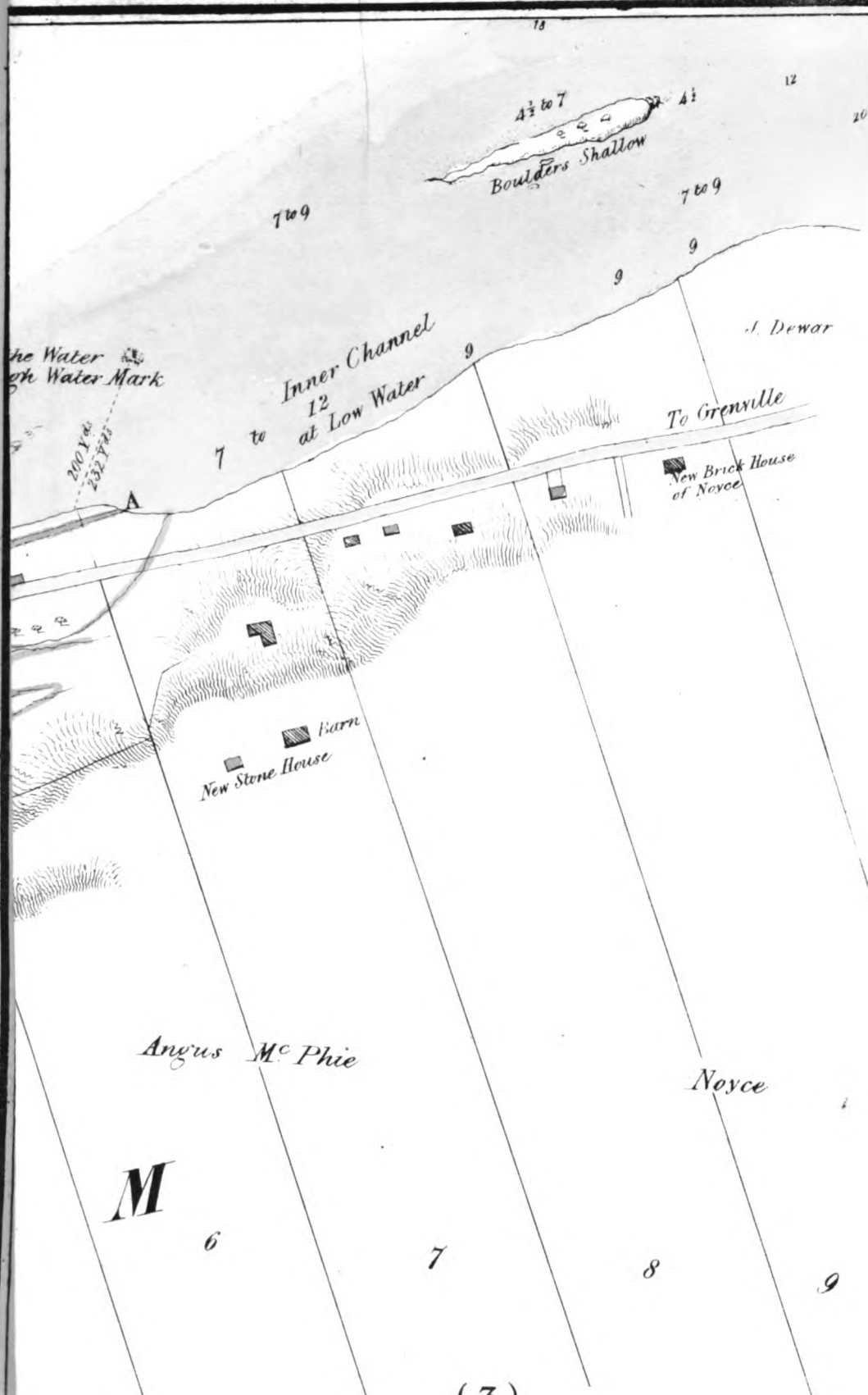
Correspondence
relative to the
Canal Communi-
cation in Canada.

| | | |
|---|---------|---------|
| ESTIMATE for the Rideau Canal - - - - | £. | 693,448 |
| Estimate for the Grenville Canal, the Carillon Canal, and the Chute à Blondeau - - - - | | 282,274 |
| | £. | 975,722 |
| Granted and applied on account of the Rideau Canal - - - - | £. | 436,666 |
| Granted and applied on account of the Grenville Canal, the Carillon Canal, and the Chute à Blondeau - - - - | 169,099 | 605,765 |
| Probable Sum required to complete these Works, £. | | 369,957 |

The foregoing is exclusive of the St. Ann's Rapids, of which no Estimate has yet been received; and exclusive also of block-houses and other works for the defence of the Rideau Canal, on account of which an Estimate of £. 69,230. has been received.

Whitehall, Treasury Chambers, }
8 February 1830. }

T. Spring Rice.



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PLAN of the CARILLON CANAL.

Comm^d R^l Engineer's Office, Quebec 8th March 1836

E.W.DURNFORD COL^l

*Comm^d Royal Engineers,
CANADA.*

J. Basire

From a Survey made by the
OFFICERS OF THE ROYAL STAFF CORPS.

Commons

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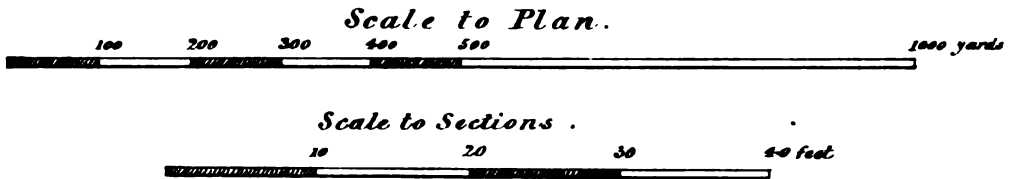
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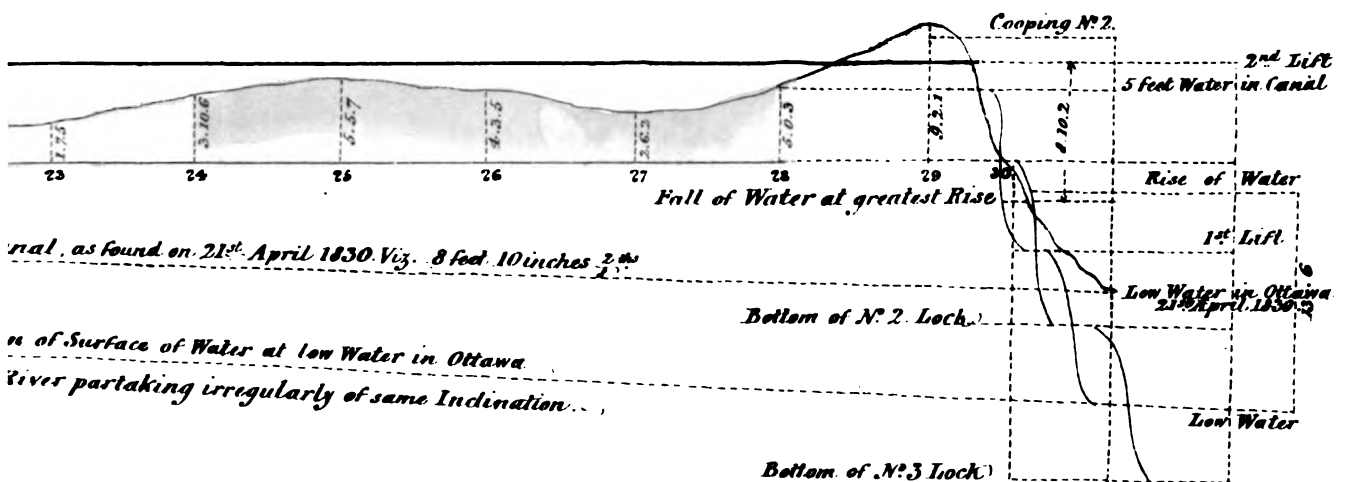
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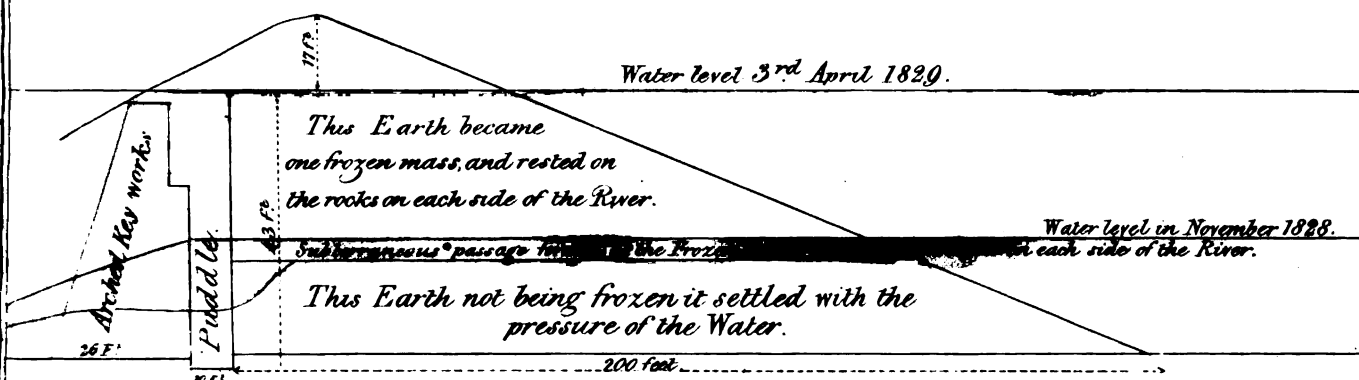
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Quebec 29th May 1830.

Edw Dummer Col
Commf Engineers
Canada



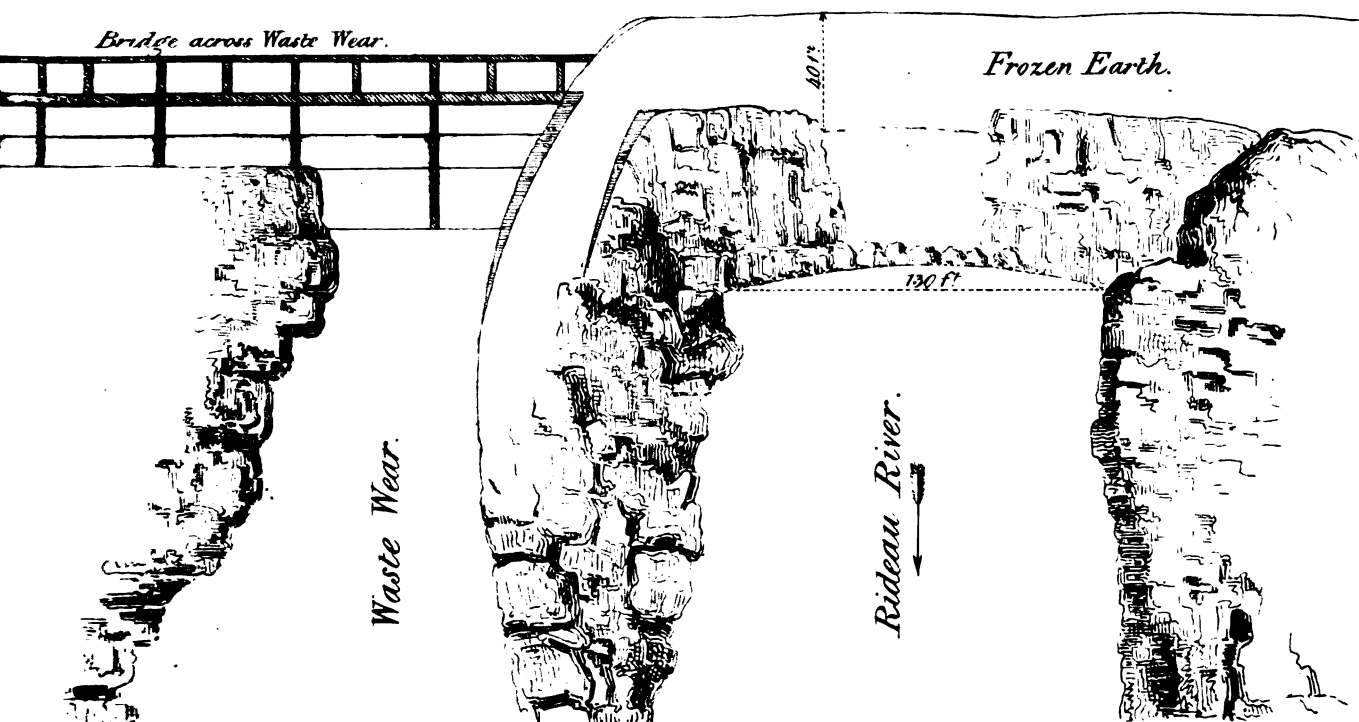
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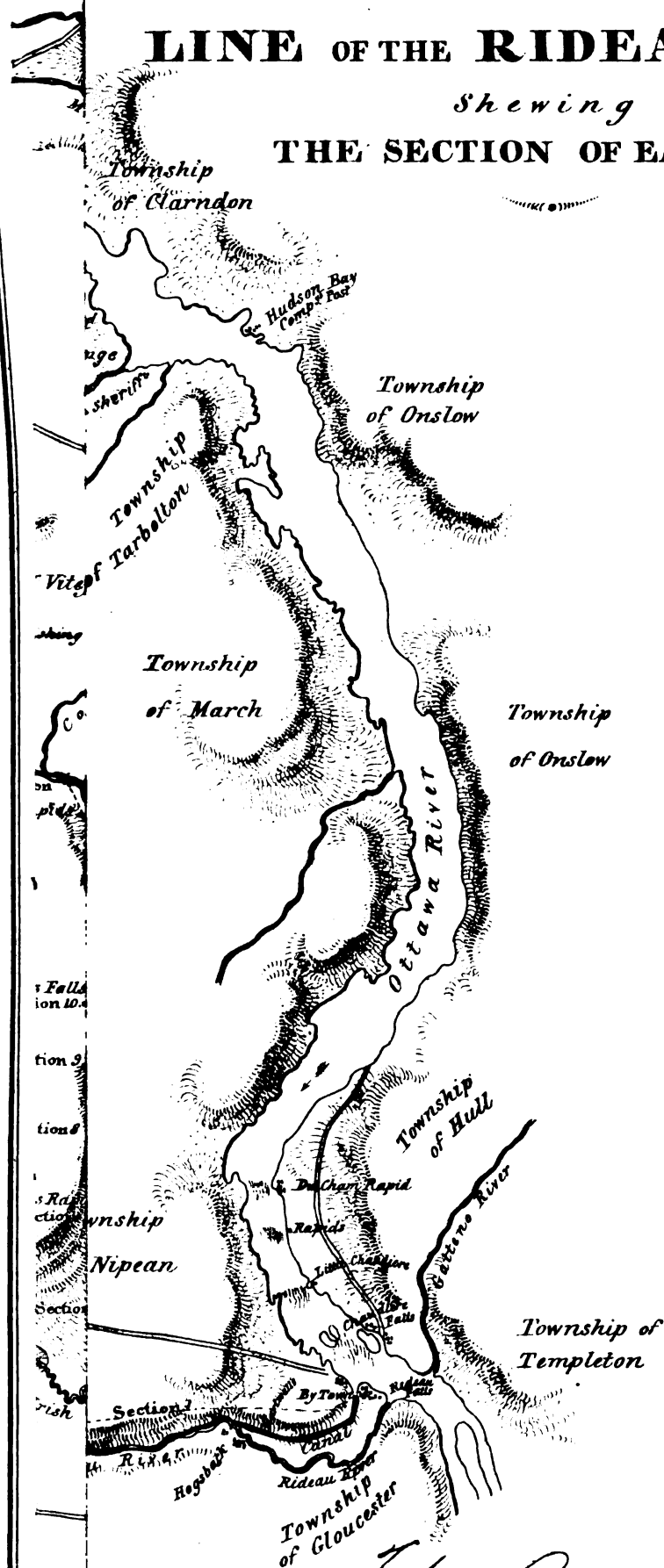
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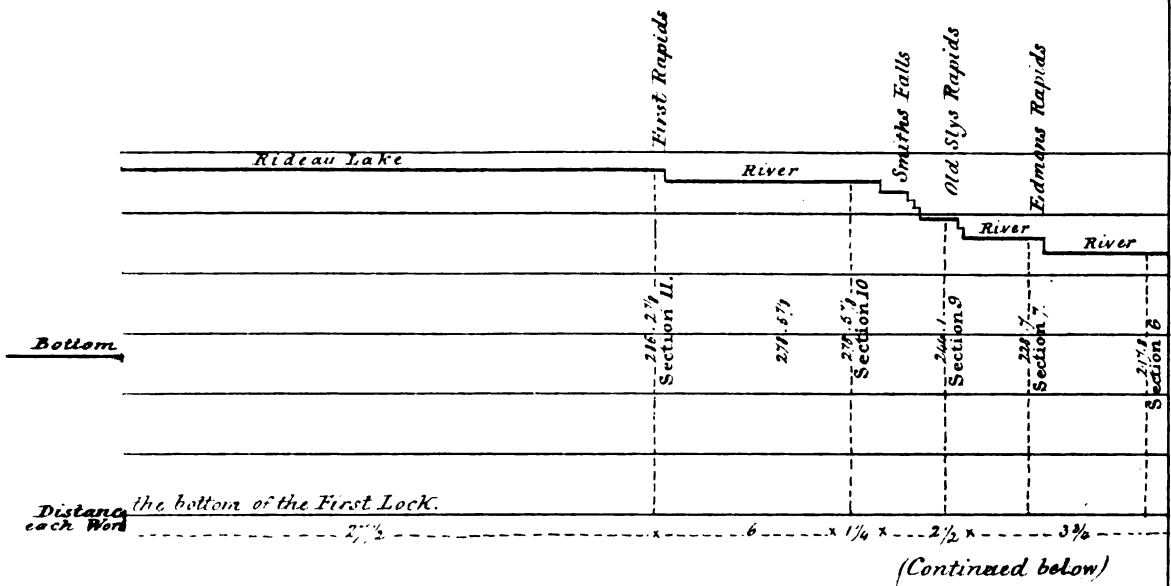
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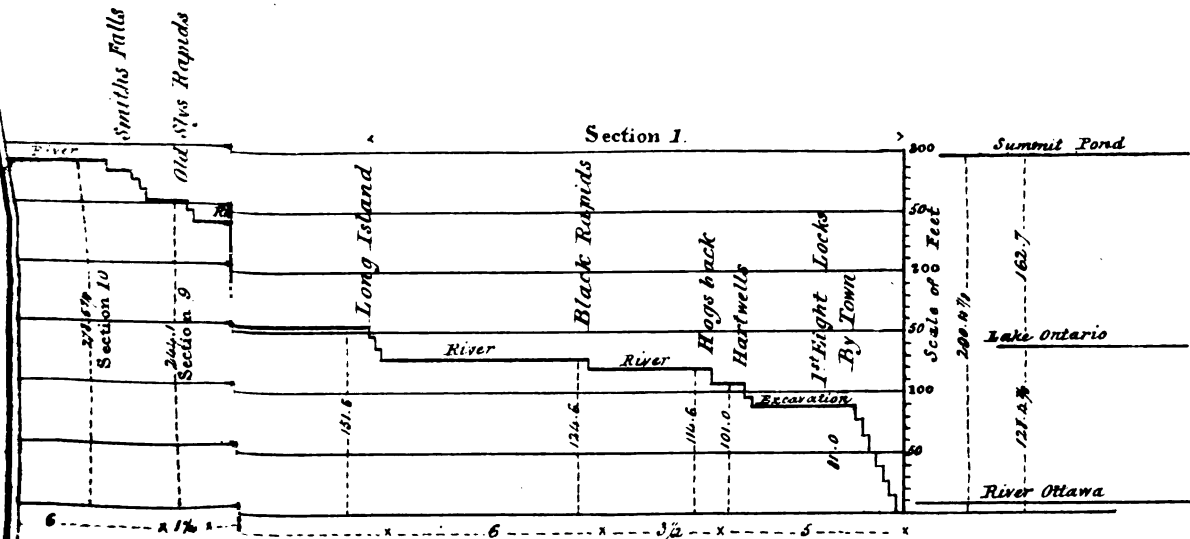


John By
Lt Colonel Royl^d Eng^r
Com^d Rideau Canal
8th July 1830.

SECTION OF THE LINE OF THE RIDEAU CANAL.



(Continued from)



John By,

Lt Colonel Roy's Engineers
Comd Rideau Canal
8th July 1830.

EAST INDIA HALF PAY.

AN ACCOUNT

Of the several Sums which will become payable between 5th April 1831 and 5th April 1832, by the United Company of Merchants trading to The *East Indies*, towards the Expense of Half Pay, Pensions, and Allowances to His Majesty's Forces serving in *India*; in pursuance of Act 4 Geo. IV. c. 71.

| | | | | | | | | |
|--------------|---|---|---|------|---|---|---|-----------|
| 5th April | - | - | - | 1831 | - | - | - | £. 15,000 |
| 5th July | - | - | - | 1831 | - | - | - | 15,000 |
| 10th October | - | - | - | 1831 | - | - | - | 15,000 |
| 5th January | - | - | - | 1832 | - | - | - | 15,000 |
| | | | | | | | | <hr/> |
| | | | | | | | | £. 60,000 |
| | | | | | | | | <hr/> |

Whitehall, Treasury Chambers, }
3 February 1831. }

T. SPRING RICE.

EAST INDIA HALF PAY.

ACCOUNT

Of the several Sums which will become payable
between April 1831 and April 1832, for Half
Pay, Pensions, and Allowances to His Majesty's
Forces serving in *India*.

*Ordered, by The House of Commons, to be Printed,
7 February 1831.*

EAST INDIA FINANCE.

RETURN to an Order of the Honourable House of Commons,
dated 3 February 1831;—for,

A CONTINUATION (to the latest period to which they can be made up)
of all ACCOUNTS relating to the TRADE of *India* and *China*, and to the
FINANCES of *India*, which were presented to The House by HIS MAJESTY'S
COMMAND, in the Years 1829 and 1830; and also, of all such further
ACCOUNTS relating to the same matters, which have been ordered by
The House during the last Year.

(See Parl. Papers, No. 285. Sess 1829, and Nos. 22. & 499. Sess. 1830.)

Ordered, by The House of Commons, to be Printed,
18 February 1831.

L I S T.

No.

- 1.—AN ACCOUNT of the Quantity and Value of all Manufactures, exclusive of Woollens, Exported by the East India Company and their Officers to China, in the Year 1829/30, (May to May).—(*In continuation of an Account, No. 2. Parl. Paper, No. 285. Sess. 1829.*) p. 5
- 2.—AN ACCOUNT of the Quantity and Value of British Manufactures Exported to all parts of India, exclusive of China, by the East India Company, in the Year 1829/30, (May to May).—(*In continuation of an Account, No. 3. Parl. Paper, No. 285. Sess. 1829.*) p. 6
- 3.—AN ACCOUNT of the Quantities of British Manufactures Exported to our Indian Possessions in the Year 1829/30; specifying particularly the Quantity and Value of Woollens and Cottons.—(*In continuation of an Account, No. 4. Parl. Paper, No. 285. Sess. 1829.*) p. 7
- 4.—AN ACCOUNT of the Invoice Value of the East India Company's Trade between China and England, in the Years 1828/29 & 1829/30.—(*In continuation of an Account, No. 20. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 8
- 5.—AN ACCOUNT of the Quantity of British Manufactures annually Imported by the East India Company into the Port of Canton, in the Years 1828/29 & 1829/30 respectively; specifying particularly the Quantities of Woollens and Cottons Imported.—(*In continuation of an Account, No. 21. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 8
- 6.—AN ACCOUNT of the Quantity of Woollens Exported by the East India Company to China, in the Year 1829/30.—(*In continuation of an Account, No. 22. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 9
- 7.—AN ACCOUNT of the Prime Cost and Quantity of Raw Silk Exported from the Port of Canton, by the East India Company, in the Years 1828/29 & 1829/30.—(*In continuation of an Account, No. 23. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 9
- 8.—QUANTITIES and Value of British Manufactures Imported into China by the Americans, in 1827/28 & 1828/29; and also the Amount Imported by the East India Company and their Officers, in the same Years.—(*In continuation of an Account, No. 30. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 9
- 9.—STATEMENT of the Amounts paid in England for Freight and Demorage, including Cost and Outfit of Company's own Ships; 1st May 1829 to 30th April 1830.—(*In continuation of an Account, No. 31. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 10
- 10.—AN ACCOUNT of the Prime Cost and Quantity of Tea Exported from the Port of Canton by the East India Company, in the Years 1828/29 & 1829/30.—(*In continuation of an Account No. 32. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 10
- 11.—AN ACCOUNT of the Quantity and Sale Amount of Teas Sold by the East India Company, in the Years 1828/29 & 1829/30.—(*In continuation of an Account, No. 33. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 10
- 12.—AN ACCOUNT of the Quantity and Value of Teas Sold by the East India Company at the Cape of Good Hope, in the Years 1828/29 & 1829/30; also, showing the rate of Colonial Dutypayable thereupon.—(*In continuation of an Account, No. 34. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 11

13.—AN ACCOUNT

LIST—*continued.*

No.

- 13.—AN ACCOUNT of the Quantity and Value of Teas Sold by the East India Company at Quebec and Montreal, in the Years 1828/29 and 1829/30; with the rates of Colonial Duty payable thereupon.—(*In continuation of an Account, No. 35. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 11
- 14.—AN ACCOUNT of the Quantity and Value of Teas Sold by the East India Company at Halifax, in the Years 1828/29 and 1829/30; with the rate of Colonial Duty payable thereupon.—(*In continuation of an Account, No. 36. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 11
- 15.—RATES of Duty payable upon Teas Imported into New York.—(*In continuation of an Account, No. 37. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 12
- 16.—AN ACCOUNT of the Quantity of Tea put up to Sale in the Years 1829 and 1830, the Quantity sold, and the Quantity refused by the Buyers (including the Private Trade of the Commanders and Officers).—(*In continuation of an Account, No. 38. Parl. Paper, No. 285. Sess. 1829.*) - - - - - p. 12
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- 17.—Nos. 1. & 2.—STATEMENT of the Account between the Territorial and Commercial Branches of the Affairs of the East India Company, from 1st May 1814 to the latest period, drawn upon the principle observed in the Accounts transmitted to the Government of Bengal, as Enclosures to the Letters of the Court of Directors, in the Territorial Finance Department.—(*In continuation of an Account, Parl. Paper, No. 499. Sess. 1830.*) - - - - - p. 13
-
- 18.—AN ACCOUNT of the Commercial Charges not added to the Invoices at the several Presidencies in India, respectively, in the Years 1827/28 and 1828/29.—(*In continuation of an Account, No. 11. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 18
- 19.—AN ACCOUNT, showing the Amount of all Advances made at the several Presidencies and Settlements in India, for the purposes of Commerce, in so far as regards the purchase of Investments for Europe, in the Years 1827/28 and 1828/29; showing the Amount applied to the purchase of Investment in China; and distinguishing the amount issued in repayment of Territorial Charges defrayed in England, from the amount issued from Commercial Funds.—(*In continuation of an Account, No. 13. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 19
- 20.—STOCK per Computation of the East India Company (exclusive of their Capital Stock) drawn out in respect to England to the 1st May 1829, and in respect to India to 1st May 1828.—(*In continuation of an Account, No. 25. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 20
- 21.—SALE Amount of Privilege and Private Trade Goods sold at the East India Company's Sales in the Year 1829/30; distinguishing India from China.—(*In continuation of an Account, No. 26. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 28
- 22.—AN ACCOUNT, showing the Invoice Amount of all Goods, Stores and Bullion Exported by the East India Company to their several Presidencies and Settlements in India respectively, to the Island of St. Helena, and to their Factory at Canton, in the Season 1829/30; distinguishing the Amount of Goods from Stores, and the Bullion on the Political, from the Bullion on the Commercial Account.—(*In continuation of an Account, No. 28. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 28
- 23.—AN ACCOUNT of all Sums received by the East India Company on Bills of Exchange remitted to them from their several Presidencies and Settlements in India, and their Factory at Canton, respectively, in the Year 1829/30; distinguishing Bills drawn on Territorial and Commercial Account; and showing also, the Amount drawn on the Departments of His Majesty's Government.—(*In continuation of an Account, No. 30. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 29

24.—AN ACCOUNT

LIST—continued.

No.

- 24.—AN ACCOUNT, showing the Amount of all Sums paid by the East India Company, from their Treasury in England, chargeable to the Territories in India, in the Year 1829/30.—
(*In continuation of an Account, No. 32. Parl. Paper, No. 22. Sess. 1830.*) - - p. 29
- 25.—AN ACCOUNT, showing the Amount of all Bills of Exchange and Certificates paid by the East India Company, from the 1st May 1829 to 30th April 1830, inclusive; distinguishing India from China, and specifying, as far as practicable, such as were for liquidation of Indian Debt, for Interest on Indian Debt, and for general purposes.—(*In continuation of an Account, No. 34. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 30
- 26.—STATEMENT of the Rates of Exchange at which Bills have been drawn upon India by the East India Company in the Year 1830.—(*In continuation of an Account, No. 35. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 30
- 27.—STATEMENT of the Rates of Exchange at which Bills have been drawn from India, by the East India Company, in the Year 1830.—(*In continuation of an Account, No. 36. Parl. Paper. No. 22. Sess. 1830.*) - - - - - p. 31
- 28.—RETURN of the Quantities and Prices of the several Sorts of Tea sold by the East India Company, in the Year 1829/30.—(*In continuation of an Account, No. 41. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 31
- 29.—STATEMENT, showing the Average Sale Price per pound of all Teas sold by the East India Company, in the Year 1829/30.—(*In continuation of an Account, No. 42. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 31
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EAST INDIA FINANCE.

No. I.—AN ACCOUNT of the QUANTITY and VALUE of all MANUFACTURES, exclusive of Woollens, exported by The East India Company and their Officers to China, in the Year 1829/30, (May to May.)

(In continuation of an Account, No. 2. presented by His Majesty's Command in 1829.)

| | QUANTITY. | AMOUNT. |
|--------------------------------------|----------------------|------------|
| | | £. |
| APPAREL | | 1,977 |
| Apothecaries' Stores | | 510 |
| Beer | | 42 |
| Boots and Shoes | | 43 |
| Books and Charts | | 55 |
| Candles | | 10 |
| Clocks and Clock-work | | 530 |
| Cutlery | | 380 |
| Cotton Wool | | — |
| Cottons and Printed Calicoes | <i>pieces</i> 27,950 | 55,180 |
| Cotton Twist and Yarn | <i>bales</i> 2,300 | 30,661 |
| Confectionery and Compounds | | 31 |
| Carriages | | — |
| Copper | | — |
| Cudbear | | — |
| Coach Furniture | | — |
| Fire Engines and Pumps | | — |
| Glass and Earthenware | | 732 |
| Gold and Silver Lace and Thread | | 265 |
| Hats | | 262 |
| Haberdashery, &c. | | 2 |
| Hosiery | | — |
| Iron and Ironmongery | | 1,400 |
| Jewellery | | 58 |
| Lead and Lead Shot | | 620 |
| Looking Glasses | | — |
| Linen | | 181 |
| Leather, wrought | | — |
| Mathematical and Optical Instruments | | 95 |
| Metals; viz. Iron | <i>tons</i> 1,515 | 12,269 |
| Lead | <i>d°</i> 978 | 14,983 |
| Musical Instruments | | 855 |
| Millinery | | 50 |
| Oilman's Stores | | 50 |
| Perfumery | | 105 |
| Painters' Colours | | — |
| Plate and Plated Ware | | 12 |
| Pictures and Prints | | — |
| Playing Cards | | — |
| Provisions | | 50 |
| Printing Materials and Apparatus | | — |
| Steel and Spring Steel | | — |
| Skins | | 516 |
| Stationery | | 143 |
| Statuary | | — |
| Saddlery | | 182 |
| Ship Chandlery | | — |
| Snuff | | — |
| Stores for the Factory | | 4,702 |
| Tinware and Tin Plates, &c. | | 1,150 |
| Turnery | | 8 |
| Toys | | — |
| Upholstery and Cabinet Ware | | 126 |
| Watches | | 3,843 |
| | | £. 132,078 |

Mem.—THE Quantities of Exports by The East India Company are alone given in this Account, as no account whatever is kept of the Quantities of the Exports made by the Officers of the Company's ships on their own account.

East India House, }
16th February 1831. }

(Errors excepted.)

THO^r G. LLOYD,
Acc^t Gen^l.

No. 2.—AN ACCOUNT of the QUANTITY and VALUE of BRITISH MANUFACTURES Exported to all Parts of *India*, exclusive of *China*, by The East India Company, in the Year 1829/30, (May to May.)

(In continuation of an Account, No. 3. presented by His Majesty's Command in 1829.)

| | QUANTITIES. | AMOUNT. |
|---|----------------------|---------|
| | | £. |
| BROAD CLOTH - - - - - | <i>pieces</i> 16,332 | 96,602 |
| Long Ells - - - - - | <i>d°</i> 518 | 788 |
| Camlets, Stuffs and Cottons - - - - - | <i>d°</i> 4,295 | 5,185 |
| Accoutrements - - - - - | <i>pack'</i> 39 | 1,825 |
| Ale and Beer - - - - - | <i>hhds.</i> 120 | 774 |
| Anchors, Grapnels and Mooring Chains - - - - - | <i>numb.</i> 67 | 1,071 |
| Blocks, Oars, Boat Timbers, Masts, Spars, &c. - - - - - | <i>d°</i> 1,343 | 935 |
| Braziers, Ironmongery, Pewter, Tinware and Cutlery, - - - - - | <i>pack'</i> 1,426 | 16,561 |
| Buntin - - - - - | <i>d°</i> 11 | 400 |
| Butter and Cheese - - - - - | <i>cases</i> 9 | 36 |
| Canvas - - - - - | <i>bales</i> 69 | 2,929 |
| Carts, Barrows, Gun Carriages, and Ploughs - - - - - | <i>numb.</i> 760 | 12,933 |
| Clothing for Soldiers and Sailors, Shoes, Hammocks, &c. - - - - - | <i>pack'</i> 223 | 4,591 |
| Copper Coin - - - - - | <i>cases</i> — | — |
| Cordage - - - - - | <i>w' tons</i> 22 | 1,062 |
| Fire Engines, Hose and Leather - - - - - | <i>pack'</i> 52 | 2,143 |
| Flints - - - - - | <i>d°</i> 46 | 44 |
| Furniture - - - - - | <i>cases</i> 1 | 10 |
| Glass, Earthenware and Window Glass - - - - - | <i>pack'</i> 97 | 1,420 |
| Gunpowder and Barrels - - - - - | <i>barrels</i> — | — |
| Haberdashery, Hosiery and Hats - - - - - | <i>cases</i> 4 | 326 |
| Hospital Stores: Surgeons' Instruments, Trusses, } Lint, Mortars, &c. Glass and Tinware, &c. &c. - } | <i>pack'</i> 98 | 8,515 |
| Lead Pipe, Sheet Lead and Plumbers' Stores - - - - - | <i>d°</i> 3 | 42 |
| Lighthouse Stores - - - - - | <i>cases</i> 7 | 697 |
| Lines - - - - - | <i>d°</i> 12 | 506 |
| Lines and Twine, and Slow Match - - - - - | <i>pack'</i> 37 | 822 |
| Materials for the Mints - - - - - | <i>d°</i> 83 | 3,902 |
| Mathematical Instruments - - - - - | <i>cases</i> 71 | 5,426 |
| Metals; viz. Copper - - - - - | <i>tons</i> 373 | 35,839 |
| Iron - - - - - | <i>d°</i> 112 | 1,238 |
| Lead - - - - - | <i>d°</i> 31 | 450 |
| Musical Instruments - - - - - | <i>pack'</i> 27 | 1,261 |
| Musquet Furniture, and Materials for Small Arms - - - - - | <i>d°</i> 23 | 1,465 |
| Oilman's Stores: Linseed Oil, Soap, Starch, Pain- } ters' Colours, Tallow, Red and White Lead - } | <i>d°</i> 1,954 | 3,944 |
| Ordnance; viz. Iron - - - - - | <i>numb.</i> 106 | 4,749 |
| Brass - - - - - | <i>d°</i> 37 | 2,493 |
| Pipe Packs (to the Cape) - - - - - | <i>pack'</i> — | — |
| Rockets, Moulds, &c. - - - - - | <i>d°</i> — | — |
| Saddlery and Harness - - - - - | <i>cases</i> 2 | 163 |
| Scales and Weights - - - - - | <i>pack'</i> 1 | 22 |
| Sheathing and Cartridge Paper - - - - - | <i>cases</i> 267 | 2,162 |
| Silver Plate and Watches - - - - - | <i>d°</i> — | — |
| Slates, Bricks, Cement, &c. - - - - - | <i>numb.</i> — | 512 |
| Small Arms; viz. Muskets - - - - - | <i>d°</i> 760 | 2,203 |
| Carbines, Blunderbusses, &c. - - - - - | <i>d°</i> — | — |
| Fuzils - - - - - | <i>d°</i> 240 | 428 |
| Rifles - - - - - | <i>d°</i> — | — |
| Pistols - - - - - | <i>pairs</i> 500 | 853 |
| Shot and Shells - - - - - | <i>numb.</i> — | 412 |
| Stationery and Books - - - - - | <i>cases</i> 834 | 19,562 |
| Steam Engines and Machinery - - - - - | <i>pack'</i> 1,738 | 11,202 |
| Steel - - - - - | <i>balles.</i> — | — |
| Swords and Pikes - - - - - | <i>numb.</i> 530 | 1,822 |
| Turnery, Sponge, Staves, &c. - - - - - | <i>pack'</i> 81 | 1,113 |
| Types and Printing Presses - - - - - | <i>d°</i> — | — |
| | £. | 262,038 |

Mem.—THIS Account includes the Exports to St. Helena.

East India House, }
16th February 1831.

(Errors excepted.)

THO' G. LLOYD,
Acc^t Gen^l.

No. 3.—AN ACCOUNT of the QUANTITIES of BRITISH MANUFACTURES Exported to our INDIAN POSSESSIONS in the Year 1829/30, specifying particularly the Quantity and Value of WOOLLENS and COTTONS.

(In continuation of an Account, No. 4. presented by His Majesty's Command in 1829.)

| | QUANTITIES. | AMOUNT. |
|---|---------------|---------|
| | | £. |
| BROAD Cloth - - - - - | pieces 16,332 | 96,602 |
| Long Ells - - - - - | d° 518 | 788 |
| Camlets, Stuffs, &c. - - - - - | d° 4,295 | 5,185 |
| Cottons - - - - - | pack' — | — |
| Accoutrements - - - - - | d° 39 | 1,825 |
| Ale and Beer - - - - - | hhds. 120 | 774 |
| Anchors, Grapnels and Mooring Chains - - - - - | numb. 67 | 1,671 |
| Blocks, Oars, Boat Timbers, Masts, Spars, &c. - - - - - | d° 1,343 | 935 |
| Braziers, Ironmongery, Pewter, Tinware and Cutlery - - - - - | pack' 1,426 | 16,561 |
| Buntin - - - - - | d° 11 | 400 |
| Butter and Cheese - - - - - | cases 9 | 36 |
| Canvas - - - - - | bales 69 | 2,929 |
| Carts, Barrows, Gun Carriages, and Ploughs - - - - - | numb. 760 | 12,933 |
| Clothing for Soldiers and Sailors, Shoes, Hammocks, &c. - - - - - | pack' 223 | 4,591 |
| Copper Coin - - - - - | casks — | — |
| Cordage - - - - - | w' tons 22 | 1,062 |
| Fire Engines, Hose and Leather - - - - - | pack' 52 | 2,143 |
| Flints - - - - - | d° 46 | 44 |
| Furniture - - - - - | cases 1 | 10 |
| Glass, Earthenware and Window Glass - - - - - | pack' 97 | 1,420 |
| Gunpowder and Barrels - - - - - | barrels — | — |
| Haberdashery, Hosiery and Hats - - - - - | cases 4 | 326 |
| Hospital Stores; Surgeons' Instruments, Trusses, Lint, } Mortars, &c. Glass and Tinware, &c. - - - - - } | pack' 98 | 8,515 |
| Lead Pipe, Sheet Lead and Plumbers' Stores - - - - - | d° 3 | 42 |
| Lighthouse Stores - - - - - | cases 7 | 697 |
| Linen - - - - - | d° 12 | 506 |
| Lines, Twine and Slow Match - - - - - | pack' 37 | 822 |
| Materials for the Mints - - - - - | d° 83 | 3,902 |
| Mathematical Instruments - - - - - | cases 71 | 6,426 |
| Metals; viz. Copper - - - - - | tons 373 | 35,839 |
| Iron - - - - - | d° 112 | 1,238 |
| Lead - - - - - | d° 31 | 450 |
| Musical Instruments - - - - - | pack' 27 | 1,261 |
| Musquet Furniture and Materials for Small Arms - - - - - | d° 23 | 1,465 |
| Oilman's Stores; Linseed Oil, Soap, Starch, Painters' } Colours, Tallow, Red and White Lead - - - - - } | d° 1,954 | 3,944 |
| Ordnance; viz. Iron - - - - - | numb. 106 | 4,749 |
| Brass - - - - - | d° 37 | 2,493 |
| Pipe Packs, to the Cape - - - - - | pack' — | — |
| Rockets, Moulds, &c. - - - - - | d° — | — |
| Saddlery and Harness - - - - - | cases 2 | 163 |
| Scales and Weights - - - - - | pack' 1 | 22 |
| Sheathing and Cartridge Paper - - - - - | cases 267 | 2,162 |
| Silver Plate and Watches - - - - - | d° — | — |
| Slates, Bricks, Cement, &c. - - - - - | numb. - | 512 |
| Small Arms; viz. Musquets - - - - - | d° 760 | 2,203 |
| Carbines, Blunderbusses, &c. - - - - - | d° — | — |
| Fuzils - - - - - | d° 240 | 428 |
| Rifles - - - - - | d° — | — |
| Pistols - - - - - | pairs 500 | 853 |
| Shot and Shells - - - - - | numb - | 412 |
| Stationery and Books - - - - - | cases 834 | 19,562 |
| Steam Engines and Machinery - - - - - | pack' 1,738 | 11,202 |
| Steel - - - - - | bdles. — | — |
| Swords and Pikes - - - - - | numb. 530 | 1,822 |
| Turnery, Sponge, Staves, &c. - - - - - | pack' 81 | 1,113 |
| Types and Printing Presses - - - - - | d° — | — |
| | £. | 262,038 |

Mem.—This Account includes the Exports to St. Helena.

East India House, }
16th February 1831.

(Errors excepted.)

THO' G. LLOYD,
Acc^t Gen^l.

No. 4.—AN ACCOUNT of the INVOICE VALUE of The EAST INDIA COMPANY'S TRADE between *China and England*, in the Years 1828/29 and 1829/30.

(In continuation of an Account, No. 20. presented by His Majesty's Command in 1829.)

| YEARS | IMPORTS INTO CHINA FROM ENGLAND. | | | EXPORTS from China to England. | TOTAL IMPORTS and EXPORTS. |
|-------------|-------------------------------------|-----------|---------|--------------------------------------|-------------------------------------|
| | Merchandise. | Treasure. | TOTAL. | Merchandise. | |
| | £. | £. | £. | £. | £. |
| 1828/29 - - | 602,512 | - - - | 602,512 | 1,814,427 | 2,416,939 |
| 1829/30 - - | 592,354 | - - - | 592,354 | 1,792,649 | 2,385,003 |

East India House, }
16th February 1831.

(Errors excepted.)

THO' G. LLOYD,
Acc^t Gen^l.

No. 5.—AN ACCOUNT of the QUANTITY of BRITISH MANUFACTURES annually IMPORTED by The EAST INDIA COMPANY into the Port of *Canton*, in the Years 1828/29 and 1829/30 respectively; specifying particularly the Quantities of WOOLLENS and COTTONS Imported.

(In continuation of an Account, No. 21. presented by His Majesty's Command in 1829.)

| | 1828/29. | 1829/30. |
|---|-----------------------|-----------------------|
| Broad Cloths - - - - - cloths | 15,427 $\frac{1}{2}$ | 15,565 $\frac{1}{2}$ |
| Long Ells - - - - - pieces | 150,000 | 150,000 |
| Superior Long Ells - - - - - | — | — |
| Embossed ditto - - - - - | — | — |
| Broad Ells - - - - - | — | — |
| Worleys - - - - - d° | 10,000 | — |
| Camlets - - - - - d° | 12,000 | 12,000 |
| Mohair Camlets - - - - - d° | 141 | — |
| Double Colours - - - - - | — | — |
| Moscow Cloths - - - - - | — | — |
| Templars - - - - - | — | — |
| Striped Duroys - - - - - | — | — |
| Figured ditto - - - - - | — | — |
| Vigonia Cloth - - - - - | — | — |
| Merino Robe Cloth - - - - - | — | — |
| Seraglio Ratteens - - - - - | — | — |
| Shags - - - - - | — | — |
| Vigonia Shags - - - - - | — | — |
| Colchester Baize - - - - - | — | — |
| Long Wool ditto - - - - - | — | — |
| Flannels - - - - - | — | — |
| Broad Flannels - - - - - | — | — |
| Yard Wide ditto - - - - - | — | — |
| Salisbury ditto - - - - - | — | — |
| Striped List Cloth - - - - - | — | — |
| Medleys - - - - - | — | — |
| Russian Imitation Cloth - - - - - | — | — |
| Grey Broad Cloth - - - - - | — | — |
| Blankets - - - - - | — | — |
| Blankets and Scarfs - - - - - | — | — |
| Coarse Cavalry Grey Cloth - - - - - cloths | — | 12 |
| TOTAL WOOLLENS - - - - - pieces | 187,568 $\frac{1}{2}$ | 147,600 $\frac{1}{2}$ |
| Velvets and Velveteens - - - - - | — | — |
| Cotton Twist - - - - - lbs. | 90,000 | 300,000 |
| British Calicoes and Cottons - - - - - pieces | 7,650 | 22,750 |
| Window Glass - - - - - | — | — |
| Iromongery - - - - - | — | — |
| iron Rivets - - - - - | — | — |
| Nails - - - - - | — | — |
| Medicines - - - - - | — | — |
| Red Lead - - - - - | — | — |
| White Lead - - - - - | — | — |
| Grain Tin - - - - - | — | — |
| Lead - - - - - tons | 1,500 | 1,278 |
| Tin - - - - - | — | — |
| Copper - - - - - | — | — |
| British Iron - - - - - d° | 1,749 | 1,352 |
| Worsted Yarn - - - - - lbs. | — | 597 $\frac{1}{2}$ |

East India House, }
16th February 1831.

(Errors excepted.)

THO' G. LLOYD,
Acc^t Gen^l.

No. 6.—AN ACCOUNT of the QUANTITY of WOOLLENS EXPORTED by The East India Company to China, in the Year 1829/30.

(In continuation of an Account No. 22, presented by His Majesty's Command in 1829.)

| | BROAD CLOTH. | LONG ELLS. | CAMLETS, &c. |
|---------------|------------------|------------------|-----------------|
| 1829/30 - - - | Pieces - 15,706½ | Pieces - 149,800 | Pieces - 11,470 |

East India House,
16th February 1831.

(Errors excepted.)

THO^t G. LLOYD,
Acc^t Gen^l.

No. 7.—AN ACCOUNT of the PRIME COST and QUANTITY of RAW SILK EXPORTED from the Port of Canton, by The East India Company, in the Years 1828/29 and 1829/30.

(In continuation of an Account No. 23, presented by His Majesty's Command in 1829.)

| YEARS | QUANTITY. | PRIME COST. |
|---------------|-------------------------------------|-------------|
| | lb. | £. |
| 1828/29 - - - | - - - None exported in these Years. | |
| 1829/30 - - - | | |

East India House,
16th February 1831.

(Errors excepted.)

THO^t G. LLOYD,
Acc^t Gen^l.

No. 8.—QUANTITIES and VALUE of BRITISH MANUFACTURES IMPORTED into China by the Americans, in 1827/28 and 1828/29; and also the Amount Imported by The East India Company and their Officers in the same Years.

(In continuation of an Account, No. 30, presented by His Majesty's Command in 1829.)

| | IMPORTS BY THE AMERICANS. | | | |
|---------------------|---------------------------|------------------------|---------------------|------------------------|
| | 1827/28. | | 1828/29. | |
| | QUANTITY. | VALUE. | QUANTITY. | VALUE. |
| Camlets - - - | <i>pieces</i> 7,270 | <i>dollars</i> 232,640 | <i>pieces</i> 3,900 | <i>dollars</i> 109,200 |
| Bombazets - - - | - - - | - - - | - - - | - - - |
| Cloths - - - | - - - 7,063 | - - - 254,268 | - - - 5,200 | - - - 156,000 |
| Shirtings - - - | - - - | - - - | - - - 19,790 | - - - 118,740 |
| Handkerchiefs - - - | <i>doz.</i> 22,015 | - - - 33,022 | <i>doz.</i> 10,263 | - - - 15,395 |
| Long Ells - - - | <i>pieces</i> 9,300 | - - - 69,750 | <i>pieces</i> 7,300 | - - - 58,400 |
| Cambric - - - | - - - 10,523 | - - - 21,046 | - - - 5,850 | - - - 11,700 |
| Chintz - - - | - - - 12,502 | - - - 68,761 | - - - 4,773 | - - - 25,058 |
| Long Cloths - - - | - - - 25,160 | - - - 176,120 | - - - | - - - |
| Clocks, &c. - - - | - - - | - - - 58,700 | - - - | - - - |
| Cotton Yarn - - - | - - - | - - - | <i>lbs.</i> 45,066 | - - - 13,520 |
| | DOLLARS - | - 914,307 | DOLLARS - | - 508,013 |

IMPORTS BY THE EAST INDIA COMPANY AND THEIR OFFICERS.

| | 1827/28. | 1828/29. |
|--|--------------------------|--------------------------|
| | VALUE. | VALUE. |
| British Manufactures, consisting principally of Woollens and Cottons - } | <i>dollars</i> 2,096,046 | <i>dollars</i> 3,113,226 |

Mem :—With regard to the Imports by the Americans into Canton, the records of the Company do not furnish the means of determining whether the articles described by names similar to those of British manufacture, are really manufactured in Great Britain; but in framing the above Statement, the whole of the articles so circumstanced have been included as part of the American Imports, of the class to be compared with those of the East India Company.

East India House,
16th February 1831.

(Errors excepted.)

THO^t G. LLOYD,
Acc^t Gen^l.

No. 9.—STATEMENT of the AMOUNTS paid in England for FREIGHT and DEMORAGE, including Cost and Outfit of Company's own Ships; 1st May 1829 to 30th April 1830.

(In continuation of an Account No. 31. presented by His Majesty's Command in 1829.)

| | COMMERCIAL FREIGHT and DEMORAGE. | POLITICAL FREIGHT and DEMORAGE. | TOTAL |
|-------------|--|---------------------------------------|---------|
| | £. | £. | £. |
| 1829/30 - - | 667,785 | 131,595 | 799,380 |

East India House, }
16th February 1831.

(Errors excepted.)

THO^r G. LLOYD,
Acc^t Gen^l.

No. 10.—AN ACCOUNT of the PRIME COST and QUANTITY of TEA Exported from the Port of Canton, by The East India Company, in the Years 1828/29 and 1829/30.

(In continuation of an Account No. 32. presented by His Majesty's Command in 1829.)

| YEARS. | TO ENGLAND. | | TO THE NORTH AMERICAN COLONIES. | | TOTAL. | |
|-------------|-------------|-------------|---------------------------------------|-------------|------------|-------------|
| | Quantity. | Prime Cost. | Quantity. | Prime Cost. | Quantity. | Prime Cost. |
| | lb. | £. | lb. | £. | lb. | £. |
| 1828/29 - - | 28,617,280 | 1,814,427 | 1,229,954 | 73,320 | 29,847,234 | 1,887,747 |
| 1829/30 - - | 29,335,048 | 1,792,649 | 1,233,064 | 59,716 | 30,568,112 | 1,852,365 |

East India House, }
16th February 1831.

(Errors excepted.)

THO^r G. LLOYD,
Acc^t Gen^l.

No. 11.—AN ACCOUNT of the QUANTITY and SALE AMOUNT of TEAS sold by The East India Company in the Years 1828/29 and 1829/30.

(In continuation of an Account No. 33. presented by His Majesty's Command in 1829.)

| YEARS. | SALES in ENGLAND. | | SALES IN THE NORTH AMERICAN COLONIES. | | TOTAL | |
|-------------|-------------------------|--------------|---|--------------|------------|--------------|
| | Quantity. | Sale Amount. | Quantity. | Sale Amount. | Quantity. | Sale Amount. |
| | lb. | £. | lb. | £. | lb. | £. |
| 1828/29 - - | 28,230,383 | 3,286,272 | 1,012,216 | 107,905 | 29,242,599 | 3,394,177 |
| 1829/30 - - | 27,411,196 | 3,024,138 | 1,047,134 | 115,915 | 28,458,330 | 3,140,053 |

East India House, }
16th February 1831.

(Errors excepted.)

THO^r G. LLOYD,
Acc^t Gen^l.

No. 12.—AN ACCOUNT of the QUANTITY AND VALUE OF TEAS sold by The East India Company at the *Cape of Good Hope*, in the Years 1828/29 and 1829/30; also, showing the Rate of Colonial Duty payable thereupon.

(In continuation of an Account, No. 34. presented by His Majesty's Command in 1829.)

| SALES. | QUANTITIES. | AMOUNT. |
|-------------------|-------------|--------------|
| | lb. | £. Sterling. |
| Years 1828/29 - - | 84,833 | 13,797 |
| - 1829/30 - - | 98,957 | 15,374 |

RATE OF DUTY PAID BY THE COMPANY:

10 per Cent on the Net Sale Proceeds of the Sales.

East India House, }
16th February 1831.

(Errors excepted.)

THO^s G. LLOYD,
Acc^t Gen^l.

No. 13.—AN ACCOUNT of the QUANTITY AND VALUE OF TEAS sold by The East India Company at *Quebec* and *Montreal*, in the Years 1828/29 and 1829/30; with the Rates of Colonial Duty payable thereupon.

(In continuation of an Account, No. 35. presented by His Majesty's Command in 1829.)

| SALES. | QUANTITY. | AMOUNT. |
|-------------------|-----------|--------------|
| | lb. | £. Sterling. |
| Years 1828/29 - - | 515,521 | 62,659 |
| - 1829/30 - - | 616,404 | 78,890 |

RATES OF DUTY PAID BY THE COMPANY:

Upon Bohea - - - - - 2d. Currency per lb.
- Hyson - - - - - 6d. —
- Every other sort of Black and Green Tea - - 4d. —

East India House,
16th February 1831.

(Errors excepted.)

THO^s G. LLOYD,
Acc^t Gen^l.

No. 14.—AN ACCOUNT of the QUANTITY AND VALUE OF TEAS sold by The East India Company at *Halifax*, in the Years 1828/29 and 1829/30; with the Rate of Colonial Duty payable thereupon.

(In continuation of an Account, No. 36. presented by His Majesty's Command in 1829.)

| SALES. | QUANTITY. | AMOUNT. |
|-------------------|-----------|--------------|
| | lb. | £. Sterling. |
| Years 1828/29 - - | 496,695 | 42,346 |
| - 1829/30 - - | 430,730 | 37,925 |

RATE OF DUTY PAID BY THE COMPANY:

3½ per Cent on the Invoice Cost of the Teas.

East India House, }
16th February 1831.

(Errors excepted.)

THO^s G. LLOYD,
Acc^t Gen^l.

No. 15.—RATES OF DUTY payable upon TEAS imported into *New York*.*(In continuation of an Account, No. 37. presented by His Majesty's Command in 1829.)*

| | | | | <i>s.</i> | <i>d.</i> |
|----------------------------------|---|---|---|-------------------------------|-------------------|
| Bohea | - | - | - | 12 Cents per lb., or Sterling | - 6 |
| Other Black Teas | - | - | - | 25 | 1 - $\frac{1}{4}$ |
| Imperial and Gunpowder | - | - | - | 50 | 2 1 |
| Hyson and Young Hyson | - | - | - | 40 | 1 8 |
| Hyson Skin, and other Green Teas | - | - | - | 28 | 1 2 |

BY an Act of the Congress of the United States, which will come into operation after the 31st December 1831, the Duties are to be reduced to the following Rates:

| | | | | <i>s.</i> | <i>d.</i> |
|----------------------------------|---|---|---|------------------------------|-------------------|
| Bohea | - | - | - | 4 Cents per lb., or Sterling | - 2 |
| Other Black Teas | - | - | - | 10 | - 5 |
| Imperial and Gunpowder | - | - | - | 25 | 1 - $\frac{1}{4}$ |
| Hyson and Young Hyson | - | - | - | 18 | - 9 |
| Hyson Skin, and other Green Teas | - | - | - | 12 | - 6 |

Exchange at 4*s.* 2*d.* per Dollar.East India House, }
16th February 1831.

(Errors excepted.)

THO^t G. LLOYD,
Acc^t Gen^l.

No. 16.—AN ACCOUNT of the QUANTITY OF TEA put up to SALE, in the Years 1829 and 1830; the Quantity Sold, and the Quantity refused by the Buyers (including the Private Trade of the Commanders and Officers.)

(In continuation of an Account, No. 38. presented by His Majesty's Command in 1829.)

| Y E A R S | Q U A N T I T Y put up to Sale. | Q U A N T I T Y S O L D. | Q U A N T I T Y refused by the Buyers. |
|------------|------------------------------------|--------------------------|---|
| | <i>lb.</i> | <i>lb.</i> | <i>lb.</i> |
| 1829 - - - | 31,581,099 | 29,299,582 | 2,281,517 |
| 1830 - - - | 31,576,887 | 30,612,484 | 964,403 |

East India House, }
16th February 1831.

(Errors excepted.)

THO^t G. LLOYD,
Acc^t Gen^l.

No. 17.—(1. & 2.)—STATEMENT of the ACCOUNT between the TERRITORIAL and COMMERCIAL BRANCHES of the AFFAIRS of The EAST INDIA COMPANY, from 1st May 1814 to the latest period; drawn upon the principle observed in the Accounts transmitted to the Government of *Bengal*, as Enclosures to the Letters of the COURT of DIRECTORS, in the Territorial Finance Department.

(*In continuation of an Account, Parl. Paper, No. 499. Sess. 1830.*)

No. 17.—(1).—TERRITORIAL BRANCH of the *Affairs* of The EAST INDIA COMPANY
PAYMENTS made in *England*

| | | |
|---|--------------|--------------|
| | | £. |
| TO Estimated Balance due to the Commercial Branch under this head, on 30th April 1829, from former Account - - - - - | | 3,184,763 |
| Deduct the following Adjustments: | | |
| Difference between the Amount of the net Advances in India to the Commercial Branch, included in the former Account, as made up from the Indian Statements, and as made up from the Company's General Books. | | |
| 1827/28, (from regular Estimate of Receipts and Payments in India) | £. 3,124,900 | |
| 1828/29 (from sketch Estimate of - - - ditto - - -) | 2,784,042 | |
| (From the Company's General Books) | £. 5,908,942 | |
| 1827/28 - - - - - | £. 3,143,108 | |
| 1828/29 (as far as Adjustments are completed) - - - | 2,980,030 | |
| | 6,123,138 | |
| Difference reducing the Balance due to the Commercial Branch - £. | 214,196 | |
| Deduct, | | |
| Amount of sundry Adjustments to 30th April 1828, in the Territorial Charges in England; also Territorial Payments at China and the Cape in 1828/29, operating in augmentation of the Balance due to the Commercial Branch - - - - - | | 49,176 |
| | | 165,020 |
| To Balance, as above, on 30th April 1829 (as far as the Adjustments for 1828/29 are completed) - - - - - | | £. 3,019,743 |
| 1830: April 30. To Amount of Territorial Charges and Advances, &c. in England in 1829/30. | | £. |
| Officers' Pay - - - - - | | 354,264 |
| Passage of Military, and Supplies to them on the voyage - - - - - | | 8,357 |
| Political Freight and Demorage, exclusive of Amount charged on Exports - - - - - | | 99,065 |
| Political Charges General, exclusive of Advances recoverable in India - - - - - | | 326,803 |
| Payments at China and the Cape to Military Officers, His Majesty's Navy, &c. - - - - - | | 1,995 |
| Sundry Expenses on account of St. Helena - - - - - | | 11,389 |
| Ditto - - - - Prince of Wales' Island, Singapore and Malacca - - - - - | | 1,591 |
| Retiring Pay, Pensions, &c. to King's Troops - - - - - | | 60,000 |
| Demands of Pay Office General, in respect to - ditto - - - - - | | 317,712 |
| Tanjore Debts, Charges of the Commission - - - - - | | 1,652 |
| Civil Establishments of India, Absentee Allowance and Passage Money - - - - - | | 32,766 |
| Ditto - - Annuity Funds - - - - - | | 29,600 |
| Territorial Stores exported from England to India - - - - - | | 293,873 |
| Ditto - - ditto - - to St. Helena - - - - - | | 41,736 |
| Ditto - - ditto - - to Prince of Wales' Island, &c. - - - - - | | 3,637 |
| Ditto - from China and the Cape to India - - - - - | | — |
| Ditto - - ditto - - to St. Helena - - - - - | | 9,980 |
| Off-reckoning Funds - - - - - | | 187,989 |
| Carnatic Fund - - - - - | | 117,185 |
| Advances to Public Institutions, &c. repayable in India - - - - - | | 129,500 |
| Bills drawn from St. Helena, discharged in England - - - - - | | 33,552 |
| Ditto - - - Prince of Wales' Island - - - - - | | — |
| Ditto - - - India, Effects of deceased Officers, &c. - - - - - | | 69,293 |
| | | 2,131,939 |
| To Balance transferred from Account (No. 2.) being the excess of Payments for Bills of Exchange drawn for Interest of India Debt, &c. beyond the Amount of Remittances realized to meet those Bills - - - - - | | 782,035 |
| | | £. 5,933,717 |

East India House, }
16th February 1831.

(Errors Excepted.)

No. 17.—(2.) TERRITORIAL BRANCH of The AFFAIRS of the EAST INDIA
drawn from *India* on account of Interest

| | | |
|--------------|--|---------------|
| April - - 30 | TO amount of Payments actually made on account of Bills of Exchange drawn for Interest of India Debt, in 1829/30 - - - - - } | £. 794,050 |
| | To - - ditto - - ditto - - for Principal of India Debt, beyond the Amount agreed to be defrayed from Surplus Profits - - - - - } | 8,150 |
| | £. | 802,200 |
| | To amount of sundry Payments in England, to be deducted from Funds realized, per Contra : - Charges on Importations of Bullion in former } years, on the Territorial Account - - - } £.834 - Freight of Stores, &c. chargeable to His Ma- } jesty's Government - - - - - } 36,483 | 37,317 |
| | £. | 839,517 |

COMPANY in account with the COMMERCIAL BRANCH, in respect to BILLS OF EXCHANGE of India Debt, &c. in the Year 1829/30.

| | | |
|--------------|---|------------|
| 1830: | | £. |
| April - - 30 | BY Amount of Remittances realized in 1829/30, to meet the Payments made per Contra : | |
| | - Amount of Bills drawn by the Court on India - £. 2,643 | |
| | - Amount received for Bills drawn in the Com- pany's favour, for Supplies furnished from Territorial Funds in India - - - } 54,839 | |
| | | 57,482 |
| | By Balance, Excess of Payments for Bills drawn for Interest of India Debt, &c. beyond the Amount of Remittances realized to meet those Bills (transferred to Debit of Account (No. 1.) - - - - - } | 782,035 |
| | | £. 839,517 |

No. 18.—AN ACCOUNT of the COMMERCIAL CHARGES not added to the INVOICES at the several Presidencies in India, respectively, in the Years 1827/28, and 1828/29.

(In continuation of an Account, No. 11. presented by His Majesty's Command in 1830.)

| | BENGAL. | | MADRAS. | | BOMBAY. | | TOTAL. | |
|-----------|---|--|--|--|--|--|--|--|
| | Excess of Charges defrayed above Amount added to Invoices. | Amount added to Invoices above Amount of Charges defrayed. | Excess of Charges defrayed above Amount added to Invoices. | Amount added to Invoices above Amount of Charges defrayed. | Excess of Charges defrayed above Amount added to Invoices. | Amount added to Invoices above Amount of Charges defrayed. | Excess of Charges defrayed above Amount added to Invoices. | Amount added to Invoices above Amount of Charges defrayed. |
| | £. | £. | £. | £. | £. | £. | £. | £. |
| 1827/28 - | 47,736 | - - - | - - - | 6,075 | - - - | 5,429 | 36,232 | |
| 1828/29 - | 6,453 | - - - | - - - | 9,009 | 326 | - - - | - - - | 2,230 |
| | 54,189 | - - - | - - - | 15,084 | 326 | 5,429 | 36,232 | 2,230 |
| | Amount of Commercial Charges not added to Invoices at Bengal } 54,189 | | 15,084 | Excess of Charges added to Invoices, above amount defrayed at Madras | | 5,103 | Total Amount of Commercial Charges not added to Invoices at the several Presidencies of India } 34,002 | |
| | | | | | | | | |

(Errors excepted.)

East India House, }
16th February 1831. }

THO^s G. LLOYD,
Acct^t Gen^l.

No. 19.—AN ACCOUNT, showing the Amount of all **ADVANCES** made at the several **PRESIDENCIES** and **SETTLEMENTS** in *India*, for the purposes of **COMMERCE**, in so far as regards the Purchase of Investments for Europe, in the Years 1827/28 and 1828/29; showing the Amount applied to the purchase of Investment in *China*, and distinguishing the Amount issued in repayment of Territorial Charges defrayed in *England*, from the Amount issued from Commercial Funds.

(In continuation of an Account, No. 13. presented by His Majesty's Command in 1830.)

| | Advances on account of Indian Investment for Europe. | Advances in India applied to the purchase of Investment in China. | Total Amount of Advances made at the several Presidencies and Settlements in India for the purposes of Commerce, in so far as regards the purchase of Investments for Europe. | Of which, | |
|-----------|--|---|---|---|--|
| | | | | Issued in repayment of Territorial Charges defrayed in England. | Issued from Commercial Funds in India. |
| | £. | £. | £. | £. | £. |
| 1827/28 - | 1,959,901 | 1,215,665 | 3,175,566 | 3,129,687 | 45,879 |
| 1828/29 - | 2,010,713 | 1,024,291 | 3,035,004 | 2,960,454 | 74,550 |

*Mem :—*The Advances in India and China for the provision of Commercial Investment being made generally, as well without distinction in respect to the ultimate destination of such Investment, as without reference to the particular source from which the Funds for its provision are derived, the above Account is, of necessity, in a great measure formed upon computation.

A portion of the Advances in India for the China Investment may be regarded as applicable to the purchase of the Teas which have been supplied by the Company to the North American Colonies; but as the proceeds of these Consignments are intended for eventual realization in England, they have been considered, in framing the above Account, as falling under the description of Investment for Europe.

On the other hand, Advances applied both in India and China to the provision of *Cargoes* for the Cape are excluded, the proceeds of these cargoes having been applied at the Cape to the supply of St. Helena, and other Territorial service.

(Errors excepted.)

East India House, }
16th February 1831. }

THO. G. LLÖYD,
Acc^t. Gen^l.

No. 20.—STOCK per Computation of The EAST INDIA COMPANY (exclusive of their Capital Stock)
D' (In continuation of an Account, No. 25.)

| TERRITORIAL AND POLITICAL DEBTS ABROAD. | | | | | |
|--|---|---|-------------------------------|--|----------------------|
| India Debt, bearing Interest on 1st May 1828: | | | | | |
| BENGAL: | | | | | |
| Loans at 6 per cent | - | - | - | S ^a R ^a | 8.64.22.098 |
| Ditto 5 ditto | - | - | - | - | 20.35.09.376 |
| Ditto 4 ditto | - | - | - | - | 12.42.300 |
| Her late Highness the Bhow Begum's Stipend Fund | - | - | - | - | 55.98.436 |
| Treasury Notes | - | - | - | - | 25.30.000 |
| Other Debts and Deposits bearing Interest | - | - | - | - | 1.08.49.336 |
| | | | | S ^a R ^a | 31.01.51.546 |
| | | | | C ^a R ^a | 35.97.75.793 a' 2 s. |
| | | | | | £. 35,977,579 |
| FORT ST. GEORGE: | | | | | |
| Loans at 8 per cent. | - | - | M ^a R ^a | 1.54.000 | £. |
| Ditto 6 ditto | - | - | - | 1.04.631 | |
| Other Debts and Deposits bearing Interest, including the Carnatic Fund | - | - | | 2.57.99.150 | |
| | | | M ^a R ^a | 2.60.57.781 a' 2 s. 3 d. | 2,978,032 |
| Deduct, Payments in England on account of the Carnatic Fund, from 1st May 1828 to 1st May 1829 | - | - | - | - | 94.583 |
| | | | | | £. 2,883,449 |
| BOMBAY: | | | | | |
| Debts and Deposits bearing Interest at 8 per cent. | - | - | B ^a R ^a | 22.77.775 | |
| Ditto - ditto 6 — | - | - | - | 5.82.064 | |
| Ditto - ditto 5 — | - | - | - | 10.39.144 | |
| Ditto - ditto 4 — | - | - | - | 16.79.362 | |
| | | | | B ^a R ^a 55.78.345 a' 2 s. 3 d. | 627,564 |
| PRINCE OF WALES' ISLAND, SINGAPORE, and MALACCA: | | | | | |
| Debts and Deposits bearing Interest | - | - | - | { S ^a R ^a 1.99.819. a' 2 s. } per Current Rupee | 23,179 |
| TOTAL Territorial Debts in INDIA, on 1st May 1828, bearing Interest - £. | | | | | 39,511,771 |
| Debts in India not bearing Interest, on 1st May 1828: | | | | | |
| BENGAL; including Arrears of Interest and Allowances | S ^a R ^a 8.03.16.237 | C. R ^a | 9.31.66.835 | £. | 9,316,683 |
| FORT ST. GEORGE; Ditto | - | M ^a R ^a | 92.98.356 | | 1,062,669 |
| BOMBAY; - Ditto | - | B. R ^a | 38.43.456 | | 432,389 |
| PRINCE OF WALES' ISLAND, SINGAPORE, and MALACCA - Ditto | - | S ^a R ^a | 1.73.530 | | 20,129 |
| | | a' 2 s. per Cur ^a Rup ^a | | | |
| | | | £. | 10,831,870 | |
| Deduct, The Amount paid in England for Off-reckonings on Furlough and Retirement, beyond the Amount adjusted in the India Books | - | - | - | - | 768,530 |
| TOTAL Territorial Debts in INDIA, on 1st May 1828, not bearing Interest - £. | | | | | 10,063,340 |
| TOTAL Territorial and Political Debts Abroad - - - Carried forward £. | | | | | 49,575,111 |

drawn out in respect to *England* to the 1st May 1829, and in respect to *India* to the 1st May 1828.
presented by His Majesty's Command in 1830).

C'

TERRITORIAL AND POLITICAL CREDITS ABROAD.

| Cash and Bills receivable in the several Departments on 1st May 1828: | | | | £. | £. |
|--|---|-------------------------------|--|-----------|------------|
| BENGAL - - - | S ^a R ^s 3.33.68.466 | C. R ^s 3.87.07.420 | | 3,870,742 | |
| FORT ST. GEORGE - - - | - - - - - | M. R ^s 1.95.28.601 | | 2,231,840 | |
| BOMBAY - - - | - - - - - | B. R ^s 1.42.34.380 | | 1,601,368 | |
| PRINCE OF WALES' ISLAND, SINGAPORE } and MALACCA - - - - - } | S ^a R ^s 1.61.834 | | | 18,773 | |
| | | | | £. | 7,722,723 |
| SAINT HELENA - - - - - | £. 22,277 | | | | |
| Add, Part of Cash Balance consigned to Bengal per General Harris, not received there at the close of the Books on 1st May 1828 - - - - - } | 26,050 | | | 48,327 | 7,771,050 |
| Advances made in England to several Public Institutions, re-payable in India, not realized in India at the close of the Official Year 1827/28 - - - - - } | | | | | 221,600 |
| Stores in the several Departments, on 1st May 1828: | | | | | |
| BENGAL - - - | S ^a R ^s 2.48.18.718 | C. R ^s 2.87.89.713 | | 2,878,971 | |
| FORT ST. GEORGE - - - | - - - - - | M. R ^s 1.83.59.531 | | 2,098,232 | |
| BOMBAY - - - | - - - - - | B. R ^s 1.18.15.563 | | 1,329,251 | |
| PRINCE OF WALES' ISLAND, SINGAPORE } and MALACCA - - - - - } | S ^a R ^s 8.50.905 | | | 98,705 | |
| | | | | £. | 6,405,159 |
| SAINT HELENA - - - - - | £. 132,602 | | | | |
| Add,— Cargoes of Stores afloat between Bengal and St. He- lena, on 1st May 1828, Sicca Rupees 40.403 at 2/ per current rupee - - - - - } | 4,687 | | | 137,289 | 6,542,448 |
| Debts owing to The Company, including Arrears of Revenue, on 1st May 1828: | | | | | |
| BENGAL - - - | S ^a R ^s 4.78.79.954 | C. R ^s 5.55.40.747 | | 5,554,075 | |
| FORT ST. GEORGE - - - | - - - - - | M. R ^s 2.01.04.807 | | 2,297,692 | |
| BOMBAY - - - | - - - - - | B. R ^s 67.08.800 | | 754,740 | |
| PRINCE OF WALES' ISLAND, SINGAPORE } and MALACCA - - - - - } | S ^a R ^s 1.94.314 | | | 22,540 | |
| | | | | £. | 8,629,047 |
| SAINT HELENA - - - - - | - - - - - | | | 4,584 | 8,633,631 |
| Amount of Securities purchased by the Commissioners for the reduction of the Com- pany's Debts in India, included in the amount of Debt per contra, S ^a R ^s 2.39.96.763 } | | | | | 2,782,624 |
| Amount of Bills of Exchange drawn on the Court of Directors since the close of the respective Quick Stocks and Books, either paid or charged as a Debt in England, on 1st May 1829 - - - - - } | | | | | 376,083 |
| | | | | £. | 26,328,436 |
| Deduct, Bills of Exchange remitted, drawn in the Company's favour, for Supplies furnished by the several Presidencies subsequently to the close of the respective Quick Stocks and Books, the Amount of which has either been received or taken credit for in England, on 1st May 1829 - - - - - } | | | | | 10,451 |
| TOTAL TERRITORIAL and POLITICAL CREDITS Abroad, Carried forward - £. | | | | | 26,317,985 |

Stock per Computation of The East India Company (exclusive of their Capital Stock) drawn out
D^r

| | | |
|---|-----------------------------------|--|
| TERRITORIAL AND POLITICAL DEBTS Abroad, Brought forward - - £. | | £. 49,575,111 |
| TERRITORIAL AND POLITICAL DEBTS AT HOME, ON 1 MAY 1829: | | |
| Bills of Exchange unpaid from India and St. Helena, drawn on } the Political and Territorial Account - - - - - } | £. 503,794 | |
| Warrants passed the Court unpaid - - - - - | 78,646 | |
| Amount owing for Territorial Exports - - - - - | 54,711 | |
| Unclaimed Prize Money applicable to Lord Clive's Fund (Act } 1 & 2 Geo. IV.) bearing Interest at 5 per cent per annum - } | 68,287 | |
| The Commercial Branch, for Territorial and Political Payments } made in England, between 1st May 1814 and 1st May 1829, } including Interest - - - - - } | 7,497,188 | |
| His Majesty's Government, due per Estimate, on account Pay } Office and other demands, after taking credit for Sums due from } Government to the Company - - - - - } | 665,235 | 8,867,861 |
| TOTAL TERRITORIAL and POLITICAL DEBTS } Abroad and at Home - - - - - } | | Carried forward - - £. 58,442,972 |
| COMMERCIAL DEBTS ABROAD, ON 1 MAY 1828: | | |
| Debts in the Commercial Department, on 1st May 1828: | | £. |
| BENGAL, including Arrears, S. R^s 13.78.865 | C. R^s 15.99.483 | 159,948 |
| FORT ST. GEORGE, ditto - - - | M. R^s 4.126 | 472 |
| BOMBAY - - - ditto - - - | B. R^s 66.627 | 7,495 |
| | | 167,915 |
| CHINA, 7th February 1828 - - - | Tales 550.991 a' 6/8 | 183,664 |
| Bills payable, drawn from Canton on Bengal, omitted to be stated } as a Debt in Bengal Quick Stocks, S. R^s 33.53.178 - - } | | 388,969 |
| Commercial Debts Abroad, Carried forward - - £. | | 740,548 |

in respect to *England* to the 1st May 1829, and in respect to *India* to 1st May 1828—continued.

C'

| | | |
|---|-----------------------------|------------|
| TERRITORIAL and POLITICAL CREDITS Abroad, Brought forward - £. | | £. |
| | | 26,317,985 |
| TERRITORIAL AND POLITICAL CREDITS AT HOME AND AFLOAT | | |
| OUTWARD, ON 1 MAY 1829: | | |
| Exports of Military Stores, &c. shipped in Season 1828/29, with the amount remaining unshipped on 1st May 1829 - } | £. | |
| | 587,441 | |
| Cargoes from England of Season 1827/28, not arrived in India, &c. at the close of the official year 1827/28 - } | | 520,618 |
| What owing from sundry persons for Advances re-payable in England - } | | 26,149 |
| Bills of Exchange drawn on His Majesty's Government for Supplies furnished in India, unpaid 1st May 1829 - } | | 42,361 |
| Value of Carnatic Stock belonging to the Company - - | | 34,037 |
| Value of the East India College at Haileybury, and of the Military Seminary at Addiscombe - - - - } | | 177,220 |
| Balances in hands of Officers of the House, &c. of Sums advanced to pay Political Charges - - - - } | | 3,670 |
| What the Company paid for their Dead Stock in India - - | | 400,000 |
| | | 1,791,496 |
| TOTAL TERRITORIAL and POLITICAL CREDITS } Carried forward - £. | | 28,109,481 |
| Abroad and at Home - - - - } | | |
| COMMERCIAL CREDITS ABROAD ON 1 MAY 1828: | | |
| Cash in the Commercial Department, 1st May 1828: | | £. |
| BENGAL - - - S ^a R ^s 28.71.940 | C. R ^s 33.31.450 | 333,145 |
| FORT ST. GEORGE - - - - - | M. R ^s 3.70.631 | 42,358 |
| BOMBAY - - - - - | B. R ^s 79.180 | 8,908 |
| | | £. |
| CHINA (7th Feb. 1828) - - } Tales 12.891 a' 6 s. 8 d. | £. 4,297 | 384,411 |
| CAPE of GOOD HOPE - - } R. D ^s 55,344 a' 1 s. 6 d. | 4,151 | 8,448 |
| Amount stated as a Debt in the Bengal Books, ending 30th April 1828, for Bills drawn from Canton on the Bengal Government, the Amount of which Bills was not received in China till after the close of the Books on 7th February 1828 | | 153,590 |
| S ^a R ^s 13.24.050 | | |
| | | £. |
| | | 546,449 |
| Goods and Merchandise in the Import Warehouse, 1st May 1828: | | |
| BENGAL S ^a R ^s 12.73.402 | C. R ^s 14.77.146 | £. 147,715 |
| FORT ST. GEORGE - - | M. R ^s 1.51.608 | 17,327 |
| BOMBAY - - - - | B. R ^s 4.04.956 | 45,557 |
| | | £. |
| | | 210,599 |
| CHINA (7th Feb. 1828) - - } Tales 9.522 a' 6/8 | £. 3,174 | |
| CAPE of GOOD HOPE - - } R. D ^s 726.892 a' 1/6 | 54,517 | 57,691 |
| Cargoes afloat between Bengal and China, at the close of the Canton Books, Sicca Rupees 976.193 | | 113,238 |
| | | 381,528 |
| Commercial Credits Abroad, Carried forward - £. | | 927,977 |

· Stock per Computation of The East India Company (exclusive of their Capital Stock) drawn out
Dr

| | |
|--|--------------|
| Total TERRITORIAL and POLITICAL DEBTS, } - Brought and carried forward - | £ 58,442,973 |
| Abroad and at Home - - - - - } | |
| Commercial Debts Abroad - Brought and carried forward - - £. 740,548 | |

in respect to *England* to the 1st May 1829, and in respect to *India* to the 1st May 1828—continued.

C

| | | |
|--|----------------------------|---------------|
| Total TERRITORIAL and POLITICAL CREDITS, } Brought and carried forward - | | £. 28,109,841 |
| Abroad and at Home - - - - - } | | |
| COMMERCIAL CREDITS Abroad - - Brought forward - - | | £. 927,977 |
| Goods and Merchandise in the Export Warehouse, 1st May 1828. | | |
| BENGAL - - - S ^r R ^s 73.45.122 | C.R ^s 85.20.342 | £. 852,034 |
| FORT ST. GEORGE - - - - - | M.R ^s 21.86.714 | 249,910 |
| BOMBAY - - - - - | B. R ^s 1.17.828 | 13,256 |
| | £. | 1,115,200 |
| CHINA, 7th February 1828 - - | Tales 769.730 | 256,577 |
| | £. | 1,371,777 |
| Deduct, Cargoes despatched from India and China since the close of the several Quick Stocks and Books, as above, and arrived in England before the 1st May 1829 - } | | 865,161 |
| Debts owing to the Company, including Advances for Investment on 1st May 1828. | | |
| BENGAL - - - S ^r R ^s 84.74.971 | C.R ^s 98.30.966 | £. 983,096 |
| FORT ST. GEORGE - - - - - | M.R ^s 9.79.613 | 111,956 |
| BOMBAY - - - - - | B.R ^s 3.73.737 | 42,045 |
| | £. | 1,137,097 |
| CHINA - - - Tales 114.565 a' 6/8 | £. 38,188 | |
| CAPE OF GOOD HOPE - R ^s D ^s 302.606 | | |
| Deduct, Loan to the Colonial Go- vernment, taken credit } 250,000 for in the Home Account } | | |
| Rix Dollars - - 52.606 | £. 3,945 | 42,133 |
| Advances on account of Investment, &c. at Surat and Malabar, omitted in the Bombay Quick Stocks - - - - - B ^r R ^s 11.82.417 } | | 133,022 |
| Amount of Bills of Exchange drawn on the Court of Directors from China, since the close of the Books, either paid or charged as a Debt in England, on 1st May 1829 - - - - - | | £. 107,544 |
| Deduct, Bills in favour from the Cape, drawn since ditto, credited | | 716 |
| Amount of Property in the North American Colonies on 1st May 1828. | | |
| CANADA: £. | | |
| Cash - - Halifax Currency | 159 | |
| Value of Teas remain- ing unsold - - - } | ditto 178,117 | |
| Debts - - - - ditto | 3 | |
| Halifax currency £. 178,279 a' | | |
| 4 s. 0 3/4 d. sterling, for a currency dol- lar of 5 s. - - - - £. sterling } | 144,852 | |
| Add, Invoice Value of Cargo afloat between China and Canada, on 1st May 1828 | | 54,084 |
| Tales 162.253 a' 6 s. 8 d. | | |
| Deduct, £. | | 198,936 |
| Remittances from Canada, since 1st May 1828, realized in England | 44,281 | |
| before 1st May 1829 - - - - - | | £. 154,655 |
| HALIFAX: £. | | |
| Cash - - Halifax Currency £. | 5,266 | |
| Value of Teas remain- ing unsold - - - } | ditto 17,940 | |
| Debts - - - - ditto | 2,869 | |
| Halifax Currency £. 26,075 a' | | |
| 4 s. 6 d. sterling for a currency dollar of 5 s. and 11 per cent per rem. £. sterling - - - - } | 21,142 | |
| Add, Invoice Value of Cargo afloat between China and Halifax on 1st May 1828 | | 79,883 |
| Tales 239.648 a' 6/8 | | |
| Deduct, £. | | 101,025 |
| Remittances from Halifax since 1st May 1828, realized in England | 41,461 | 59,564 |
| before 1st May 1829 - - - - - | | 214,219 |
| Total Commercial Credits abroad - - Carried forward - - | | £. 3,067,892 |

Stock per Computation of The East India Company (exclusive of their Capital Stock) drawn out
D

| | | |
|--|----|------------|
| Total TERRITORIAL and POLITICAL DEBTS, } - - - Brought forward - - - | £. | 58,442,972 |
| Abroad and at Home - - - } | | |
| Commercial Debts Abroad - - - Brought forward - - - | £. | 740,548 |
| COMMERCIAL DEBTS AT HOME, on 1 MAY 1829. | | |
| Bills of Exchange unpaid - - - - - | £. | 125,054 |
| Customs - - - - - | | 2,013 |
| Freight and Demorage - - - - - | | 240,500 |
| Supra Cargoes' commission upon all goods sold and unsold - - - - - | | 60,890 |
| Proprietors of Private Trade, upon all goods sold - - - - - | | 370,067 |
| Alms-houses at Poplar (Poplar Fund) bearing interest at Five per cent per annum - - - - - | | 245,342 |
| Unclaimed Prize Money, applicable to - ditto - (Act 1 & 2 Geo. 4.) at Five per cent per annum - - - - - | | 36,670 |
| Ditto - - of which the appropriation has not yet been ascertained - - - - - | | 43 |
| Warrants passed the Court unpaid - - - - - | | 44,192 |
| What owing for Teas returned by the Buyers, and resold - - - - - | | 971 |
| Dividends on Stock - - - - - | | 48,407 |
| Interest on Bonds - - - - - | | 30,126 |
| Amount owing for Commercial Exports - - - - - | | 62,992 |
| Amount owing to the Fee Funds and Widows' Funds, the latter bearing interest at Five per cent per annum - - - - - | | 6,504 |
| Amount due to the Trustees of the Deccan Booty, on consignments of Bullion from the Prize Funds in India - - - - - | | 10,762 |
| | | 1,284,533 |
| Total COMMERCIAL DEBTS, Abroad and at Home - - - - - | | 2,025,081 |
| Add, | | |
| The Amount of Company's Home Bond Debts, bearing interest - - - - - | £. | 3,780,475 |
| Ditto - - - - - ditto - - - - - not bearing interest - - - - - | | 15,417 |
| | | 3,795,892 |
| | £. | 64,263,945 |

| | | |
|--|----|------------|
| Total TERRITORIAL and POLITICAL DEBTS, Abroad and at Home - | £. | 58,442,972 |
| Ditto CREDITS - - - - - | | 28,109,481 |
| Balance deficient in the Territorial and Political Branch - - - £. | | 30,333,491 |
| Total COMMERCIAL DEBTS, Abroad and at Home - | £. | 2,025,081 |
| Ditto CREDITS - ditto - - - - - | | 23,086,233 |
| Balance in favour in the Commercial Branch - - - | | 21,061,152 |
| Balance deficient - - - £. | | 9,272,339 |
| Add, | | |
| The Amount of the Company's Home Bond Debt, as above - - - | | 3,795,892 |
| Total BALANCE DEFICIENT, including the Home BOND DEBT £. | | 13,068,231 |

East India House, }
16th February 1831.

(Errors excepted)

THO^s G. LLOYD,
Acc^t Gen^l.

in respect to *England* to the 1st May 1829, and in respect to *India* to the 1st May 1828—continued.

Cr.

| | | | |
|--|-----------------|---------------------|------------------|
| TOTAL TERRITORIAL and POLITICAL CREDITS, } Abroad and at Home - - - - - } | | Brought forward - - | £. 28,109,481 |
| COMMERCIAL CREDITS Abroad - - Brought forward - | | £. 3,067,892 | |
| COMMERCIAL CREDITS at HOME and AFLOAT OUTWARD, ON 1 MAY 1829. | | | |
| What due from the Public to the Company, East India } Annuities, engrafted on the 3 per Cents Reduced, per Act 33 Geo. 3. c. 47 - - - - - } | £. 1,207,560 | | |
| Cash, its Balance on 1st May 1829 - - - - - | 1,081,563 | | |
| Amount of Goods sold, not paid for - - - - - | 891,616 | | |
| Value of Goods in England unsold - - - - - | 5,597,969 | | |
| Cargoes from England of 1827/28, not arrived in India } and China at the close of the Official Year 1827/28 } | 641,984 | | |
| Exports shipped in Season 1828/29, together with the } Amount remaining unshipped on 1st May 1829 - } | 754,021 | | |
| Impress paid Owners of Ships not arrived in England - | 92,957 | | |
| Value of Ships, Sloops and Vessels, exclusive of those } stationed Abroad - - - - - } | 173,199 | | |
| Value of the East India House and Warehouses - | 1,294,768 | | |
| What owing from sundry Persons for Advances repay- } able in England - - - - - } | 6,333 | | |
| Balances in hands of Officers of the House and Ware- } housekeepers, of Sums advanced to pay Commercial } Charges - - - - - } | 48 | | |
| Stock in the Public Funds standing in the Company's } name, valued at the market prices, on 1st May 1829 } | 760,942 | | |
| Due from His Majesty's Government, for Advances } from Commercial Funds at the Cape - - - - - } | 18,203 | | |
| Territorial Branch, for Territorial and Political Pay- } ments made in England, between 1st May 1814 } and 1st May 1829 (including Interest) - - - } | 7,497,188 | | |
| | | 20,018,341 | |
| TOTAL COMMERCIAL CREDITS, Abroad and at Home - - - | | | 23,086,233 |
| | | £. | 51,195,714 |
| BALANCE Deficient - - - | | | 13,068,231 |
| | | £. | 64,263,945 |

This Balance is subject to reduction by the Amount of the Advances made in India from the Territorial Branch to the Commercial Branch, in the Indian Official Year 1828/29. The documents whereby the amount of these Advances is to be ascertained have not as yet been received from India, but which, it is estimated, may amount to £.3,261,480; which will leave a balance due to the Commerce, of £.4,235,708, including Interest.

In the period from the 1st May 1814 to 1st May 1829, there has also been advanced or set apart from the Surplus Commercial Profits in England the sum of £.4,923,021. towards the liquidation of Indian Territorial Debt, which being a payment under the 4th head of Appropriation of the 57th sect. of the 53d Geo. 3, is not held to constitute a claim upon the Territorial Department for repayment, upon the principle observed in respect to other Political Advances.

The Home Bond Debt is stated without specific application to either branch of the Company's affairs, it not being determined to what extent the Debt had its origin from political causes.

In the above Account the article of Dead Stock is valued at £.400,000, which includes buildings and fortifications, plate, household furniture, plantations, farms, sloops, vessels, stores, and other articles of dead stock, according to Lord Godolphin's award in the year 1702; whereas the whole of the sums of Money expended in Buildings and Fortifications, by the latest advices from the Company's several Settlements, for the acquisition and maintenance of their Possessions, and the nearest estimated value of other articles of Dead Stock, is as follows:—

| | Buildings and Fortifications. | | Plate, Household Furniture, Plantations, Farms, Sloops, Vessels, Stores, &c. | | TOTAL. |
|---------------------------|-------------------------------|-------------|--|-------------|------------|
| | Political. | Commercial. | Political. | Commercial. | |
| | £. | £. | £. | £. | £. |
| Bengal, 30th April 1828 | 6,177,930 | 377,916 | 4,052,675 | 22,067 | 10,630,588 |
| Madras - - - - - | 2,068,115 | 38,329 | 429,964 | 17,223 | 2,553,631 |
| Bombay - - - - - | 1,849,265 | 75,184 | 442,270 | 21,662 | 2,388,381 |
| St. Helena - - - - - | 101,470 | - | 30,223 | - | 131,693 |
| Prince of Wales' Island - | 166,253 | - | 25,658 | - | 191,911 |
| Singapore - - - - - | 15,583 | - | 1,695 | - | 17,278 |
| Malacca - - - - - | 367 | - | 1,752 | - | 2,119 |
| China, 7th Feb. 1828 | - | 5,489 | - | 8,153 | 13,642 |
| £. | 10,378,983 | 496,918 | 4,984,237 | 69,105 | 15,929,243 |

No. 21.—SALE AMOUNT of PRIVILEGE and PRIVATE TRADE GOODS sold at The East Company's Sales in the Year 1829/30, distinguishing India from China.

(In continuation of an Account, No. 26, presented by His Majesty's Command in 1830.)

| From the 1st March to the 1st March | PRIVILEGE, LICENSED, and FREE TRADE. | | PRIVATE TRADE GOODS. | | T O T A L. | |
|--|---|---------|----------------------|---------------|-----------------|---------------|
| | INDIA. | CHINA. | INDIA. | CHINA. | INDIA. | CHINA. |
| 1829/30 | £. 1,772,945 | £. - | £. 357 | £. 352,093 | £. 1,773,302 | £. 352,093 |

East India House, }
16th February 1831.

(Errors excepted.)

THO' G. LLOYD,
Acc^t Gen^l.

No. 22.—AN ACCOUNT, showing the INVOICE AMOUNT of all GOODS, STORES and BULLION Exported by The East India Company to their several Presidencies and Settlements in India respectively, to the Island of St. Helena, and to their Factory at Canton, in the Season 1829/30; distinguishing the Amount of Goods from Stores, and the Bullion on the Political from the Bullion on the Commercial Account.

(In continuation of an Account, No. 26, presented by His Majesty's Command in 1830.)

| SEASON. | B E N G A L. | | | | | B O M B A Y. | | |
|---------|--------------|--------------|-------------------------|------------------------|--------------|--------------|--------------|--------------|
| | Goods. | Stores. | Bullion, Commercial. | Bullion, Political. | TOTAL. | Goods. | Stores. | TOTAL. |
| 1829/30 | £. - | £. 77,810 | £. - | £. - | £. 77,810 | £. - | £. 84,533 | £. 84,538 |

| SEASON. | M A D R A S. | | | B A T A V I A. | | |
|---------|--------------|---------------|---------------|----------------|---------|---------|
| | Goods. | Stores. | TOTAL. | Goods. | Stores. | TOTAL. |
| 1829/30 | £. - | £. 101,438 | £. 101,438 | £. - | £. - | £. - |

| SEASON. | P R I N C E O F W A L E S I S L A N D, A N D S I N G A P O R E. | | | S T. H E L E N A. | | | |
|---------|--|---------|---------|-------------------|--------------|------------------------|--------------|
| | Goods. | Stores. | TOTAL. | Goods. | Stores. | Bullion, Political. | TOTAL. |
| 1829/30 | £. - | £. - | £. - | £. - | £. 41,103 | £. - | £. 41,103 |

| SEASON. | B E N C O O L E N. | | | C H I N A. | | | |
|---------|--------------------|---------|---------|---------------|-------------|-------------------------|---------------|
| | Goods. | Stores. | TOTAL. | Goods. | Stores. | Bullion, Commercial. | TOTAL. |
| 1829/30 | £. - | £. - | £. - | £. 570,404 | £. 4,315 | £. - | £. 574,719 |

T O T A L.

| SEASON. | GOODS. | STORES. | BULLION, Commercial. | BULLION, Political. | TOTAL. |
|---------|---------------|---------------|-------------------------|------------------------|---------------|
| 1829/30 | £. 570,404 | £. 309,199 | £. - | £. - | £. 879,603 |

East India House, }
16th February 1831.

(Errors excepted.)

THO' G. LLOYD,
Acc^t Gen^l.

No. 23.—AN ACCOUNT of all Sums received by The EAST INDIA COMPANY, OR BILLS OF EXCHANGE retained to them from their several Presidencies and Settlements in INDIA, and their Factory at CANTON respectively, in the year 1829/30; distinguishing Bills drawn on Territorial and Commercial Account; and showing also the Amount drawn on the Departments of His Majesty's Government.

(In continuation of an Account, No. 30. presented by His Majesty's Command in 1830.)

| TERRITORIAL ACCOUNT. | | | | | | |
|---|--------------|--------|---|---|--------------|--------|
| BENGAL, MADRAS AND BOMBAY. | | | PRINCE OF WALES' ISLAND. | SAINT HELENA. | | |
| On the Departments of His Majesty's Government. | Individuals. | TOTAL. | On the Departments of His Majesty's Government. | On the Departments of His Majesty's Government. | Individuals. | TOTAL. |
| £. | £. | £. | £. | £. | £. | £. |
| 1829/30 | 44,873 | 339 | 45,212 | - | 111 | 111 |

| TERRITORIAL ACCOUNT. | | | | | |
|---|---|--|--------------|---|--------------------|
| MAURITIUS. | CEYLON. | JAVA. | AMBOYNA. | PERSIA. | TOTAL TERRITORIAL. |
| On the Departments of His Majesty's Government. | On the Departments of His Majesty's Government. | In discharge of Bills drawn by the Netherlands Government. | Individuals. | On the Departments of His Majesty's Government. | |
| £. | £. | £. | £. | £. | £. |
| 780 | 9,515 | - | - | - | 55,618 |

| COMMERCIAL ACCOUNT. | | | | | | | |
|----------------------------|---|--------------|--------|--------------|---|-------------------|-----------------------------------|
| BENGAL, MADRAS AND BOMBAY. | CAPE OF GOOD HOPE. | | | CANTON. | MAURITIUS. | TOTAL COMMERCIAL. | TOTAL TERRITORIAL and COMMERCIAL. |
| Individuals. | On the Departments of His Majesty's Government. | Individuals. | TOTAL. | Individuals. | On the Departments of His Majesty's Government. | | |
| £. | £. | £. | £. | £. | £. | £. | £. |
| 1829/30. | — | 384 | 200 | 584 | - | 584 | 56,202 |

East India House,
16th February 1831.

(Errors excepted.)

THO^s G. LLOYD,
Acc^t Gen^l.

No. 24.—AN ACCOUNT, showing the Amount of all Sums paid by The EAST INDIA COMPANY, from their Treasury in ENGLAND, chargeable to the Territories in INDIA, in the Year 1829/30.

(In continuation of an Account, No. 32. presented by His Majesty's Command in 1830.)

1829/30 - - - - - £. 3,018,211.

Mem.—The sum of £. 75,778. has been appropriated from the Surplus Commercial Profits of the Company towards the discharge of a portion of the above Charges.

East India House,
16th February 1831.

(Errors excepted.)

THO^s G. LLOYD,
Acc^t Gen^l.

No. 25.—AN ACCOUNT, showing the Amount of all Bills of Exchange and Certificates paid by The EAST INDIA COMPANY, from the 1st May 1829 to 30th April 1830, inclusive; distinguishing INDIA from CHINA, and specifying, as far as practicable, such as were for LIQUIDATION of INDIAN DEBT, for INTEREST on INDIAN DEBT, and for GENERAL PURPOSES.

(In continuation of an Account, No. 34. presented by His Majesty's Command in 1830.)

| TERRITORIAL AND POLITICAL DEPARTMENT. | | | | | | | |
|---------------------------------------|-----------|---------|---|--|--------|--|----|
| BENGAL, MADRAS AND BOMBAY. | | | | | | | |
| INDIAN DEBT. | | | GENERAL PURPOSES. | | | TOTAL Three Presidencies of India. | |
| Principal. | Interest. | TOTAL. | In Discharge of Treasury Notes. | Cash received into the Indian Treasury, Pas- sage of Troops homeward, Effects deceased Military Officers, Soldiers, &c. &c. | TOTAL. | | |
| £. | £. | £. | £. | £. | £. | £. | £. |
| 1829/30 - 83,928 | 793,149 | 877,077 | - - | 69,293 | 69,293 | 946,370 | |

| TERRITORIAL AND POLITICAL DEPARTMENT. | | | | | | |
|---------------------------------------|-----------------|-----------------------------------|----------|--------------------|---------|--------------------------------|
| SAINT HELENA. | BEN- COOLEN. | PRINCE of WALES' ISLAND. | BATAVIA. | MOLUCCA ISLAND. | PERSIA. | TOTAL TERRITORIAL BILLS. |
| £. | £. | Interest of India Debt. £. | £. | £. | £. | £. |
| 33,552 | - - | 901 | - - - | - - - | - - - | 980,823 |

| COMMERCIAL BRANCH. | | | | | | | |
|--------------------------------------|-----------------|-------|---|---------|--------------------------|---|--|
| BENGAL, MADRAS, and BOMBAY. | MAU- RITIUS. | JAVA. | CEYLON, on account Cinnamon Contract. | CHINA. | CAPE of GOOD HOPE. | TOTAL Commercial Bills and Certificates. | TOTAL BILLS and CERTI- FICATES. |
| £. | £. | £. | £. | £. | £. | £. | £. |
| 1829/30 - - - | - - - | - - - | - - - | 150,208 | - - - | 150,208. | 1,131,031 |

East India House, }
16th February 1831.

(Errors excepted.)

THO. G. LLOYD,
Acc^t Gen^l.

No. 26.—STATEMENT of the RATES of EXCHANGE at which Bills have been drawn upon INDIA by The EAST INDIA COMPANY, in the Year 1830.

(In continuation of an Account, No. 35. presented by His Majesty's Command in 1830.)

| BENGAL. | | MADRAS. | BOMBAY. |
|------------------|-------|-------------------|---------|
| per Sicca Rupee. | | per Madras Rupee. | |
| s. d. | s. d. | s. d. | |
| 1/8 1/2 | 1/9 | 1/7 | - |

East India House, }
16th February 1831.

(Errors excepted.)

THO. G. LLOYD,
Acc^t Gen^l.

No. 27.—STATEMENT of the RATES of EXCHANGE at which BILLS have been drawn from INDIA, by The EAST INDIA COMPANY, in the Year 1830.

(In continuation of an Account, No. 36. presented by His Majesty's Command in 1830.)

| BENGAL. | | | MADRAS. | | | BOMBAY. |
|----------------------|----------------|--------------|---------|----------------|--|------------------------------|
| Sicca Rupee. | Current Rupee. | Sonat Rupee. | Pagoda. | Sicca Rupee. | Madras Rupee. | Rupee. |
| s. s. d. s. d. s. d. | s. d. | s. d. | s. | s. s. d. s. d. | a. p. | s. d. s. d. s. d. |
| 2/ 2/0 ½ 2/1 2/6 | - - - | 2/6 | 8/ | 2/ 2/1 2/6 | { 1054. 15. 1. p' 100 L. 875. - ditto } | { 1/11 2/ 2/0 ½ 2/1 2/6 } |

East India House, }
16th February 1831.

(Errors excepted.)

THO' G. LLOYD,
Acc^t Gen^l.

No. 28.—RETURN of the QUANTITIES and PRICES of the several Sorts of TEA sold by The EAST INDIA COMPANY, in the Year 1829/30.

(In continuation of an Account, No. 41. presented by His Majesty's Command in 1830.)

| From 1st May to 1st May | BOHEA. | | CONGOU. | | CAMPOL. | | SOUCHONG. | | PEKOE. | |
|----------------------------------|-----------|------------------------------------|------------|------------------------------------|-----------|------------------------------------|-----------|------------------------------------|-----------|------------------------------------|
| | Quantity. | Average Sale Price p' Pound. | Quantity. | Average Sale Price p' Pound. | Quantity. | Average Sale Price p' Pound. | Quantity. | Average Sale Price p' Pound. | Quantity. | Average Sale Price p' Pound. |
| | lb. | s. d. | lb. | s. d. | lb. | s. d. | lb. | s. d. | lb. | s. d. |
| 1829/30 - - | 4,845,826 | 1 6.32 | 18,402,118 | 2 3.26 | 474,735 | 2 2.24 | 298,819 | 3 3.60 | 129,554 | 3 9.23 |

| From 1st May to 1st May | TWANKAY. | | HYSON SKIN. | | YOUNG HYSON. | | HYSON. | | GUNPOWDER. | |
|----------------------------------|-----------|------------------------------------|-------------|------------------------------------|--------------|------------------------------------|-----------|------------------------------------|------------|------------------------------------|
| | Quantity. | Average Sale Price p' Pound. | Quantity. | Average Sale Price p' Pound. | Quantity. | Average Sale Price p' Pound. | Quantity. | Average Sale Price p' Pound. | Quantity. | Average Sale Price p' Pound. |
| | lb. | s. d. | lb. | s. d. | lb. | s. d. | lb. | s. d. | lb. | s. d. |
| 1829/30 - - | 3,852,443 | 2 4.04 | 228,016 | 2 4.60 | - - - | - - - | 1,071,278 | 4 1.40 | - | - |

East India House, }
16th February 1831.

(Errors excepted.)

THO' G. LLOYD,
Acc^t Gen^l.

No. 29.—STATEMENT, showing the AVERAGE SALE PRICE per Pound of all TEAS sold by The EAST INDIA COMPANY, in the Year 1829/30.

(In continuation of an Account, No. 42. presented by His Majesty's Command in 1830.)

1829/30 - - - - - s. d.
- - - - - 2 2.90.

East India House, }
16th February 1831.

(Errors excepted.)

THO' G. LLOYD,
Acc^t Gen^l.

EAST INDIA FINANCE.

RETURN to an Order of the Honourable House of
Commons, dated 3 February 1831;—*per*,

A CONTINUATION (to the latest period to which they
can be made up) of all Accounts relating to the Trade
of India and China, and to the Finances of India, which
were presented to The House by His Majesty's
Command, in the years 1829 and 1830; and also, of all
such further Accounts relating to the same matters, which
have been ordered by The House during the last year.

*Ordered, by The House of Commons, to be Printed,
18 February 1831.*

EAST INDIA FINANCE.

FURTHER RETURN to an Order of The Honourable House of Commons,
dated 3 February 1831 :—for,

A CONTINUATION (to the latest period to which they can be made up) of all ACCOUNTS relating to the TRADE of *India* and *China*, and to the FINANCES of *India*, which were presented to The House by HIS MAJESTY'S COMMAND, in the Years 1829 and 1830; and also, of all such further ACCOUNTS, relating to the same matters, which have been ordered by The House during the last Year.

Ordered, by The House of Commons, to be Printed, 23 February 1831.

No. 30.—AN ACCOUNT of the SUMS received at the Presidencies of *Fort William*, *Fort St. George*, and *Bombay*, for Sales of Import Goods and Stores.

(In continuation of an Account, No. 9, dated 22 December 1829, Parl. Paper, No. 22, presented by Command of His late Majesty, 1830.)

| | BENGAL. | MADRAS. | BOMBAY. | TOTAL. |
|-------------|---------|---------|---------|--------|
| | £. | £. | £. | £. |
| 1828-29 - - | 33,419 | 8,643 | 10,304 | 52,366 |

(Errors excepted.)

East India House, }
21st February 1831.

JAMES C. MELVILL,
Aud^r India Accounts.

No. 31.—AN ACCOUNT of the REVENUES and CHARGES of INDIA, in each of the Estimate,) showing the Annual Surplus of Revenue or Charge

(In continuation of an Account, No. 2. (s.) dated 27th January 1830, Parl. Paper,

| REVENUES. | 1827/28. | 1828/29. | Estimate, 1829/30. |
|---|------------|------------|-----------------------|
| | £. | £. | £. |
| BENGAL - - - - - | 14,921,983 | 14,784,870 | 14,167,428 |
| FORT ST. GEORGE - - - - - | 5,347,838 | 5,508,734 | 5,551,359 |
| BOMBAY - - - - - | 2,542,325 | 2,330,937 | 2,666,914 |
| Deduct, | | | |
| Amount in which it is calculated the several Collectors have over-estimated the Total Receipts, arising chiefly from their having drawn too favourable a view of the Resources from Land Revenue, owing to the circumstances described in the Gover- nor's Minute, dated 12th November 1829, and noticed by the Court in their Review of the Bombay Finances for the Years 1827/28 and 1828/29 - - - - - | - - - | - - - | 247,500 |
| | | | 2,419,414 |
| PRINCE OF WALES ISLAND, SINGAPORE } and MALACCA - - - - - } | 45,078 | 47,980 | 43,903 |
| TOTAL - - - - - | 22,857,224 | 22,672,521 | 22,182,104 |
| CHARGES - - - - - | 23,932,754 | 21,598,403 | 20,918,676 |
| NET REVENUES in INDIA - - - | - - - | 1,074,118 | 1,263,428 |
| NET CHARGES in INDIA - - - | 1,075,530 | — | — |

East India House, }
21st February 1831. }

(Errors excepted.)

Three Years, ended 30th April 1828, 30th April 1829, and 30th April 1830, (the last Year on after the Payment of Territorial Charges in England.

No. 22, presented by Command of His late Majesty, in 1830.)

| CHARGES. | 1827/28. | 1828/29. | Estimate, 1829/30. |
|--|------------|------------|-----------------------|
| | £. | £. | £. |
| BENGAL - - - - - | 11,774,626 | 10,149,617 | 9,793,348 |
| FORT ST. GEORGE - - - - - | 6,007,597 | 5,505,637 | 5,171,165 |
| BOMBAY - - - - - | 4,033,477 | 3,652,787 | 3,652,493 |
| PRINCE OF WALES ISLAND, SINGAPORE and MALACCA - - - - - } | 196,522 | 177,588 | 162,553 |
| TOTAL - - - | 22,012,222 | 19,485,629 | 18,779,559 |
| INTEREST ON DEBTS - - | 1,920,532 | 2,112,774 | 2,139,117 |
| TOTAL CHARGES and INTEREST - | 23,932,754 | 21,598,403 | 20,918,676 |
| EXPENSE of ST. HELENA - - - | 120,571 | 113,054 | 93,004 |
| POLITICAL CHARGES paid in England, including Invoice Amount of Terri- torial Stores consigned to India } | 2,060,141 | 1,967,405 | 1,742,162 |
| GRAND TOTAL of CHARGES - - | 26,113,466 | 23,678,862 | 22,753,842 |
| REVENUES - - - | 22,857,224 | 22,672,521 | 22,182,104 |
| SURPLUS REVENUE - - - | — | — | — |
| SURPLUS CHARGE - - - | 3,256,242 | 1,006,341 | 571,738 |

JAMES C. MELVILL,

Aud^r India Accounts.

For the Political Charges paid in England.

THO^s G. LLOYD,

Acc^t Gen^l.

EAST INDIA FINANCE.

FURTHER RETURN to an Order of The Honourable
House of Commons, dated 5 February 1831;—*for*,

A CONTINUATION (to the latest Period to which they
can be made up) of all Accounts relating to the Trade
of *India* and *China*, and to the *Finances of India*, which
were presented to The House by His Majesty's
Command, in the Years 1829 and 1830; and also, of all
such further Accounts relating to the same matters, which
have been ordered by The House during the last Year.

*Ordered, by The House of Commons, to be Printed,
23 February 1831.*

EAST INDIA FINANCE.

FURTHER RETURN to an Order of The Honourable the House of Commons,
dated 3 February 1831;—*for,*

A CONTINUATION (to the latest period to which they can be made up)
of all **ACCOUNTS** relating to the **TRADE** of *India* and *China*, and to the
FINANCES of *India*, which were presented to The House by **HIS MAJESTY'S**
COMMAND, in the Years 1829 and 1830; and also, of all such further
ACCOUNTS, relating to the same matters which have been ordered by
The House during the last Year.

Ordered, by The House of Commons, to be Printed,
2 March 1831.

L I S T.

LIST of the following ACCOUNTS completed to the latest period to which the same can be made up.

(In CONTINUATION of Accounts bearing similar Nos. in Parl. Paper, No. 22,
presented by Command of His late Majesty in 1830.)

N^o of
Account.

- 1.—GENERAL STATEMENT of the Revenues and Charges of India (exclusive of the Commercial Charges) drawn from the Accounts presented to Parliament; also showing the Interest paid upon the Debts, and the general Result in the Years 1826-27 and 1827-28, (those of the former Year further adjusted) with the Estimate of the same for the Year 1828-29 - - - - - p. 4
1. (A.)—Statement of the Revenues and Charges of the Presidency of Bengal, (exclusive of the Commercial Charges) drawn from the Accounts presented to Parliament; showing also the Interest paid upon the Debts, and the Result in the Years 1826-27 and 1827-28, with the Estimate of the same for the Year 1828-29. - - - - - p. 6
1. (B.)—Statement of the Revenues and Charges of the Presidency of Madras (exclusive of the Commercial Charges) drawn from the Accounts presented to Parliament; showing also the Interest paid upon the Debts, and the Result in the Year 1826-27 and 1827-28 (those of the former Year further adjusted) with the Estimate of the same for the Year 1828-29 - - - - - p. 8
1. (C.)—Statement of the Revenues and Charges of the Presidency of Bombay (exclusive of the Commercial Charges) drawn from the Accounts presented to Parliament; showing also the Interest paid upon the Debts, and the Result in the Years 1826-27 and 1827-28, with the Estimate of the same for the Year 1828-29 - - - - - p. 10
1. (D.)—Statement of the Revenues and Charges of the Settlements of Prince of Wales Island, Singapore, Malacca and St. Helena, (exclusive of the Commercial Charges) drawn from the Accounts presented to Parliament; showing also the Interest paid upon the Debts, and the Result in the Years 1826-27 and 1827-28, with the Estimate of the same for the Year 1828-29 - p. 12
- 2.—An Account of the Total Annual Account of the Revenues and Charges of the several Presidencies in India, from the Year 1809-10 to the Year 1827-28, with the Estimate of the same for the Year 1828-29, as laid before Parliament; distinguishing as to the Revenues, the Revenues realized in the Original Possessions of the East India Company, from the Subsidies from Native Princes, or Collections from Ceded and Conquered Countries; and as to the Charges, the Military Charges, and the Charges for Buildings and Fortifications, from Civil, Revenue, Judicial and Marine Charges; showing also the Net Charge of Bencoolen, Prince of Wales Island, &c.; likewise the Interest paid on the Debts, and the Amount of Territorial Charges paid in England, revised according to more recent adjustments in the Accounts of the Company, particularly with respect to the Articles of "Off-reckonings and Stores," under the Heads of "Territorial Charges paid in England." (*Vide* Evidence before the Select Committee of The House of Commons 7th June 1830, pages 6 to 8) - - - - - p. 14
2. (A.)—Statement of the Revenues realized in the Original Possessions of the East India Company, at Bengal, Madras and Bombay, in the Years 1826-27 and 1827-28, with the Estimate of the same for the Year 1828-29 - p. 18

LIST—continued.

N° of
Account.

2. (B.)—Account showing the Gross and Net Receipts from Subsidies under Treaties with the Native Princes of India, or from the Revenues of the Ceded and Conquered Countries in the Years 1826–27 and 1827–28, with the Estimate of the same for the Year 1828–29 - - - - - p. 20
2. (C.)—Statement of the Civil, Revenue, Judicial, Marine and other Charges (exclusive of the Civil Charges of the Ceded and Conquered Countries) defrayed at Bengal, Madras and Bombay in the Years 1826–27 and 1827–28 (those of the former Year further adjusted) with the Estimate of the same for the Year 1828–29 - - - - - p. 22
- 4.—An Account of the Amount of the Bond and other Territorial Debts owing by the East India Company at their several Presidencies in India, on the 30th April, in each of the Years 1827 and 1828 - - - - - p. 24
- 6.—An Account of the Amount of the Assets of the East India Company at the several Presidencies and Settlements in India, on the 30th April 1828, distinguishing the Territorial from the Commercial Assets - - - - - p. 26
- 7.—Abstract Statement of the Result of the Debts and Assets of the East India Company, in all India, on the 30th April 1828 - - - - - p. 28
- 21.—General Statement showing the Amount of the Proceeds of the Sales of Goods and Merchandize of the East India Company in Great Britain, and of their Commercial and other Receipts, Charges and Payments in Great Britain, under the several Heads thereof, for the Year 1829–30, according to the Annual Accounts presented to Parliament; distinguishing the Receipts and Payments in the Political and Territorial Branch from the Receipts and Payments in the Commercial Branch - - - - - p. 30
- 23.—General Statement of the Bond Debts and Simple Contract Debts of the East India Company, with the Rates of Interest they respectively carry, and the Amount of such Interest; and the State of Cash remaining in the Treasury; and other Effects appertaining to the Company in Great Britain and Afloat, on the 1st May 1830; distinguishing the Debts and Assets in the Political and Territorial Branch from the Debts and Assets in the Commercial Branch - - - - - p. 34
- 27.—An Account of the Sale Amount of the Company's, the Private Trade, and the Neutral and Prize Goods, &c. sold by the East India Company in the Year 1829–30 - - - - - p. 38

India Board, Westminster, }
2d March 1831.

S A N D O N.

(CONTINUATION of Account, No. 1, Parl. Paper, No. 22,

No. 1.—GENERAL STATEMENT of the REVENUES and CHARGES of INDIA, (exclusive of the Commercial the GENERAL RESULT in the Years 1826-27 and 1827-28, (those of the former

| REVENUES. | | | | | |
|---------------------|---------------------------------------|--|--|--|--------------------------|
| | 1. BENGAL (Statement, N° 1. A.) | 2. MADRAS. (Statement, N° 1. B.) | 3. BOMBAY. (Statement, N° 1. C.) | 4. Prince of Wales Island, Singapore, and Malacca. (Statement, N° 1. D.) | 5. TOTAL REVENUES. |
| | £. | £. | £. | £. | £. |
| 1826-27 | 14,757,089 | 5,981,681 | 2,588,983 | 55,744 | 23,383,497 |
| 1827-28 | 14,921,983 | 5,347,838 | 2,542,325 | 45,078 | 22,857,224 |
| Estimate 1828-29 | 14,869,692 | 5,541,038 | 2,686,611 | 51,567 | 23,148,908 |

| (continued.) INTEREST ON DEBTS. | | | | | 17. |
|---------------------------------|----------------|----------------|-----------------------------------|---------------------------|--------------------------------------|
| 12. BENGAL. | 13. MADRAS. | 14. BOMBAY. | 15. Prince of Wales Island. | 16. TOTAL INTEREST. | TOTAL CHARGES and INTEREST. |
| £. | £. | £. | £. | £. | £. |
| 1,513,616 | 213,570 | 40,619 | 1,274 | 1,749,068 | 23,197,794 |
| 1,712,253 | 179,025 | 27,230 | 2,024 | 1,920,532 | 23,932,557 |
| 1,798,000 | 190,298 | 23,378 | - - - | 2,011,676 | 21,717,261 |

(a) This column does not include the expense of the Detachment of Troops serving at the Settlements, the same being charged in the Bengal Accounts.

India Board, Westminster, }
28th February 1831. }

presented by His late Majesty's Command, 9th February 1830.)

Charges,) drawn from the ACCOUNTS presented to PARLIAMENT; also showing the INTEREST paid upon the DEBTS, and Year further adjusted,) with the ESTIMATE of the same for the Year 1828-29.

| CHARGES. | | | | | 11. |
|-----------------------|-----------------------|--------------------------------------|---|-----------------|----------------------------|
| 6. | 7. | 8. | 9. | 10. | NET REVENUE. |
| BENGAL. | MADRAS. | BOMBAY. | Prince of Wales Island, Singapore, and Malacca. | TOTAL CHARGES. | |
| (Statement, N° 1. A.) | (Statement, N° 1. B.) | (Statement, N° 1. C.) | (Statement, N° 1. D.) (a) | | |
| £. | £. | £. | £. | £. | £. |
| 11,891,536 | 5,432,562 | 3,975,411 | 149,217 | 21,448,726 | 1,934,771 |
| 11,774,626 | 6,007,597 | 4,033,477 | 196,325 | 22,012,025 | 845,199 |
| 10,525,914 | 5,271,411 | 3,739,394 | 168,666 | 19,705,585 | 3,443,323 |
| 18. | 19. | 20. | 21. | 22. | |
| NET REVENUE. | NET CHARGE. | Expense of the Island of ST. HELENA. | SURPLUS REVENUE. | SURPLUS CHARGE. | |
| £. | £. | £. | £. | £. | |
| 185,703 | - - - | 114,500 | 71,203 (b) | - - - | - - 1826-27. |
| - - - | 1,075,333 | 120,571 | - - - | 1,195,904 | - - 1827-28. |
| 1,431,647 | - - - | 113,054 | 1,318,593 | - - - | - { Estimate - 1828-29. |

(b) In this year there is included an extraordinary credit of £.620,226. for profits of the Government Bank at Madras, as explained in Statement, N° 1, (B.)

(Errors excepted.)

Wm. Leach.

(CONTINUATION of Account, No. 1, (A.) Parl. Paper, No. 22,

No. 1. (A.)—STATEMENT of the REVENUES and CHARGES of the PRESIDENCY of BENGAL, (exclusive upon the DEBTS, and the RESULT in the Years 1826-27

| REVENUES. | | | | | | |
|------------------|--------|--------------|---------|-----------|----------|-----------|
| | 1. | 2. | 3. | 4. | 5. | 6. |
| | MINT. | POST OFFICE. | STAMPS. | JUDICIAL. | CUSTOMS. | LAND. |
| | £. | £. | £. | £. | £. | £. |
| 1826-27 | 32,595 | 84,881 | 219,607 | 82,276 | 330,970 | 3,784,717 |
| 1827-28 | 32,177 | 91,833 | 238,546 | 85,441 | 367,355 | 3,862,258 |
| Estimate 1828-29 | 19,720 | 91,060 | 250,560 | 89,320 | 348,000 | 3,853,520 |

(continued.)

CHARGES.

| 16. | 17. | 18. | 19. | Judicial. | | 22. | 23. | 24. | 25. | 26. | 27. | 28. |
|--------|--------------|-----------|---------|----------------------------|-----------------------------------|----------|----------|-----------------------------|---------------------------------|-----------------------------------|----------------------------|------------------------------|
| Mint. | Post-Office. | Civil. | Stamps. | 20. Supreme Court and Law. | 21. Sudder and Zillah Courts, &c. | Customs. | Revenue. | Charges of Ceded Provinces. | Charges of Conquered Provinces. | Ceded Territory on the Nerbuddah. | Ceded Provinces in Burmah. | Salt : Advances and Charges. |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 47,426 | 86,450 | 1,321,823 | 67,766 | 54,239 | 596,482 | 62,684 | 633,813 | 552,907 | 681,162 | 101,314 | 28,660 | 684,945 |
| 37,989 | 89,075 | 1,102,825 | 81,689 | 51,179 | 626,698 | 65,794 | 664,517 | 506,223 | 836,825 | 87,299 | 82,907 | 808,322 |
| 34,800 | 88,508 | 885,544 | 71,920 | 53,244 | 607,608 | 65,192 | 596,472 | 523,815 | 984,764 | 91,060 | 62,872 | 758,640 |

(a) Payment by the Bhurtpure State on account of War Charges.

(b) Payments by the Burmese Government under the Treaty of 24th February 1826.

India Board, Westminster,
28th February 1831.

presented by His late Majesty's Command, 9th February 1830.)

of the Commercial Charges,) drawn from the ACCOUNTS presented to PARLIAMENT, showing also the INTEREST paid and 1827-28, with the ESTIMATE of the same for the Year 1828-29.

| REVENUES. | | | | | | | | | (continued.) | |
|-------------------------|---|------------------------------|---|--|--------------|---------------|----------------|---------------------------|--------------|--|
| 7. BENARES. | 8. Ceded Provinces in OUDE. | 9. Conquered Provinces | 10. Ceded Territory on the Nerbuddah. | 11. Ceded Provinces in BURMAH. | 12. SALT. | 13. OPIUM. | 14. MARINE. | 15. TOTAL REVENUES. | | |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | | |
| 784,784 | 1,958,538 | 2,333,544 | 596,499 | { 70,736 (b) 553,139 | 2,173,345 | 1,715,308 | 36,150 | 14,757,089 | | |
| 778,532 | 1,813,562 | 2,398,104 | 508,294 | { 87,487 (b) 186,010 | 2,382,277 | 2,051,621 | 38,486 | 14,921,983 | | |
| 4,944,500 (a) 92,800 | | | 797,732 | { 76,792 (b) 208,800 | 2,250,400 | 1,804,960 | 41,528 | 14,869,692 | | |

| CHARGES. | | | | | | 25. | 26. | 27. | 28. | |
|--|-----------------|---|---|----------------|--------------------------|--------------------------|--------------------------------------|---------------------|--------------------|-----------------------|
| 29. Opium: Advances and Charges. | 30. Benares. | 31. Military. | 32. Buildings and Fortifica- tions. | 33. MARINE. | 34. TOTAL CHARGES. | Interest on Debts. | TOTAL CHARGES and INTEREST. | SURPLUS REVENUE. | Surplus CHARGE. | |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | |
| 512,713 | 227,490 | { 5,511,162 (c) 75,966 | 534,497 | 110,037 | 11,891,536 | 1,513,616 | 13,405,152 | 1,351,937 | - | 1826-27 |
| 658,254 | 232,359 | { 4,484,299 (c) 91,231 (d) 600,905 | 548,491 | 117,745 | 11,774,626 | 1,712,253 | 13,486,879 | 1,435,104 | - | 1827-28 |
| 461,912 | 237,568 | { 4,334,005 (c) 34,800 | 478,910 | 154,280 | 10,525,914 | 1,798,000 | 12,323,914 | 2,545,778 | - | { Estimate 1828-29 |

(c) Batta to Troops engaged in the Burmese War.

(d) This sum is part of the Deccan Prize Money which was erroneously credited as Revenue in former years.

(Errors excepted.)

Wm. Leach.

(CONTINUATION of Account, No. 1. (B.) Parl. Paper, No. 22,

No. 1. (B.)—STATEMENT of the REVENUES and CHARGES of the PRESIDENCY of MADRAS,
INTEREST paid upon the DEBTS, and the RESULT in the Years 1826-27 and 1827-28

| REVENUES. - - - - - | | | | | | | | |
|-----------------------|---------------------------|--------------|---------|-----------|---------------------|----------|---------|-----------|
| | 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
| | MINT. | Post Office. | Stamps. | Judicial. | Farms and Licences. | Customs. | Land. | CARNATIC. |
| | £. | £. | £. | £. | £. | £. | £. | £. |
| 1826-27 - | { 4,670 (a) 620,226 | 29,504 | 56,907 | 13,989 | 90,312 | 178,706 | 893,089 | 1,350,688 |
| 1827-28 - | { 4,332 a) 9,162 | 32,043 | 56,261 | 13,845 | 90,392 | 178,625 | 846,365 | 1,404,342 |
| Estimate, 1828-29. | { 4,343 (a) 10,021 | 32,000 | 56,343 | 14,212 | 97,051 | 195,044 | 875,700 | 1,436,048 |

(continued.)

CHARGES. - - - - -

| 18. | 19. | 20. | 21. | Judicial. | | 24. | 25. | 26. | 27. | 28. | 29. |
|--------|--------------|---------|---------|--------------------------------|--------------------------------------|----------|----------|----------------------------|----------|----------------------|---------------------|
| Mint. | Post Office. | Civil. | Stamps. | 22. Supreme Court, and Law. | 23. Sudder and Zillah Courts, &c. | Customs. | Revenue. | Carnatic. | Tanjore. | Ceded and Conquered. | Ceded by the Nizam. |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 18,818 | 25,891 | 322,583 | 9,448 | 49,362 | 180,121 | 27,384 | 186,919 | { 457,031 (b) 10,734 | 197,947 | 878,854 | 111,863 |
| 20,406 | 29,339 | 333,517 | 9,437 | 50,485 | 199,729 | 29,070 | 195,557 | { 492,660 (b) 620 | 186,638 | 299,332 | 132,911 |
| 20,513 | 29,028 | 341,049 | 9,452 | 49,497 | 198,202 | 28,498 | 185,205 | { 453,318 (b) 19,428 | 178,076 | 296,537 | 121,313 |

(a) Profits of the Government Bank. The receipt in 1826-27 is the accumulated amount since the institution of the Bank in 1806.

India Board, Westminster,
28th February 1831. }

presented by His late Majesty's Command, 9th February 1830.)

(exclusive of the Commercial Charges) drawn from the ACCOUNTS presented to PARLIAMENT; showing also the (those of the former Year further adjusted), with the ESTIMATE of the same for the Year 1828-29.

REVENUES.

(continued.)

| 9. TANJORE. | 10. Ceded and Conquered in Mysore. | 11. Ceded by the Nizam. | 12. Salt. | 13. Subsidy from Mysore. | 14. Subsidy from Travancore. | 15. Subsidy from Cochin. | 16. Marine. | 17. TOTAL REVENUES. |
|----------------|---|----------------------------------|--------------|-----------------------------------|---------------------------------------|-----------------------------------|----------------|---------------------------|
| £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 450,049 | 1,097,613 | 634,481 | 161,244 | 280,000 | 89,498 | 22,857 | 7,848 | 5,981,681 |
| 394,672 | 1,178,468 | 584,369 | 154,804 | 280,000 | 89,498 | 22,857 | 7,803 | 5,347,838 |
| 477,932 | 1,158,055 | 617,179 | 166,927 | 280,000 | 89,498 | 22,857 | 7,828 | 5,541,038 |

CHARGES.

| 30. Salt: Advances and Charges. | 31. Military. | 32. Buildings and Fortifica- tions. | 33. Marine. | 34. TOTAL Charges. | 35. Interest on Debts. | 36. TOTAL Charges and Interest. | 37. Surplus Revenue. | 38. Surplus Charge. | |
|---|------------------|---|----------------|--------------------------|---------------------------------|---|----------------------------|---------------------------|-----------------------|
| £. | £. | £. | £. | £. | £. | £. | £. | £. | |
| 30,715 | 3,426,730 | 82,762 | 16,000 | 5,432,562 | 213,570 | 5,646,132 | 335,549 | - | 1826-27 |
| 29,717 | 3,897,520 | 81,877 | 18,782 | 6,007,597 | 179,025 | 6,186,622 | - | 838,784 | 1827-28 |
| 32,010 | 3,228,786 | 61,268 | 19,231 | 5,271,411 | 190,298 | 5,461,709 | 79,329 | - | { Estimate 1828-29 |

(b) Amount paid in discharge of petty claims on the late Nabobs of the Carnatic.

(Errors excepted.)

Wm Leach.

(CONTINUATION of Account, No. 1. (C.) Parl. Paper, No. 22,

No. 1. (C.)—STATEMENT of the REVENUES and CHARGES of the PRESIDENCY of BOMBAY
INTEREST paid upon the DEBTS, and the RESULT in the Years 1826-27 and

| REVENUES | | | | | | |
|-------------------------|-------|-----------------|---------|-----------|---------------------------|----------|
| | 1. | 2. | 3. | 4. | 5. | 6. |
| | MINT. | POST OFFICE. | STAMPS. | JUDICIAL. | FARMS and LICENSES. | CUSTOMS. |
| | £. | £. | £. | £. | £. | £. |
| 1826-27 - - | 3,180 | 12,813 | 18,857 | 7,202 | 70,837 | 176,536 |
| 1827-28 - - | 5,440 | 12,584 | 5,161 | 7,134 | 71,997 | 180,129 |
| Estimate 1828-29 } - | 4,444 | 12,634 | 11,812 | 6,694 | 49,804 | 206,083 |

(continued.)

CHARGES.

| 13. | 14. | 15. | JUDICIAL. | | 18. | 19. | 20. | 21. |
|-------|-----------------|---------|-----------------------------------|--|----------|-----------|----------------------------------|--|
| MINT. | POST OFFICE. | CIVIL. | 16. Supreme Court, and Law. | 17. Sudder and Zillah Courts, &c. | CUSTOMS. | REVENUES. | Ceded Countries: GUICOWAR. | Ceded and Conquered from Maharattas. |
| £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 3,699 | 19,299 | 514,675 | 66,913 | 48,143 | 28,334 | 80,871 | 145,399 | 583,129 |
| 3,637 | 18,848 | 474,781 | 57,648 | 45,574 | 25,605 | 76,206 | 147,170 | 776,248 |
| 3,625 | 17,933 | 581,902 | 56,904 | 46,024 | 27,005 | 78,783 | 127,252 | 655,756 |

India Board, Westminster, }
28th February 1831. }

presented by His late Majesty's Command, 9th February 1830.)

exclusive of the Commercial Charges), drawn from the Accounts presented to PARLIAMENT; showing also the 1827-28, with the ESTIMATE of the same for the Year 1828-29.

REVENUES.

(continued.)

| 7. | 8. | 9. | 10. | 11. | 12. |
|---------------|----------------------------------|---|--------------|--------------|--------------------|
| LAND. | Ceded Countries: GUICOWAR. | Ceded and Conquered from Mahrattas. | SALT. | MARINE. | TOTAL REVENUES. |
| £. 212,890 | £. 392,273 | £. 1,660,006 | £. 18,584 | £. 15,885 | £. 2,588,983 |
| 206,067 | 382,797 | 1,633,719 | 19,934 | 18,383 | 2,548,325 |
| 213,829 | 382,581 | 1,761,481 | 21,690 | 15,559 | 2,686,611 |

CHARGES

| 22. | 23. | 24. | 25. | 26. | 27. | 28. | |
|-----------------|-------------------------------------|---------------|-------------------|--------------------------|--------------------------------------|--------------------|-----------------------|
| MILITARY. | Buildings and Fortifications. | MARINE. | TOTAL CHARGES. | Interest on Debts. | TOTAL CHARGES and INTEREST. | SURPLUS CHARGE. | |
| £. 2,172,128 | £. 155,106 | £. 163,715 | £. 3,075,411 | £. 20,610 | £. 3,996,021 | £. 1,407,038 | 1826-27 |
| 2,051,810 | 143,088 | 212,862 | 4,033,477 | 27,220 | 4,060,707 | 1,518,382 | 1827-28 |
| 1,848,116 | 95,580 | 200,714 | 3,739,594 | 23,378 | 3,762,972 | 1,076,361 | { Estimate 1828-29 |

(Errors excepted.)

Wm. Leach.

(CONTINUATION of Account, No. 1. (D.) Parl. Paper, No. 22;

No. 1. (D.)—STATEMENT of the REVENUES and CHARGES of the SETTLEMENTS of PRINCE of WALES
ACCOUNTS presented to PARLIAMENT; showing also the INTEREST paid upon the DEBTS, and

| PRINCE OF WALES ISLAND. | | | | | | | | | |
|--------------------------------|-----------|-------------------------------------|-------------------|--------------------------|--------------------------------------|-------------------------------------|----------------|---|--------|
| CHARGES. | | | | 5. | 6. | 7. | 8. | 9. | |
| 1. | 2. | 3. | 4. | Interest on Debts. | TOTAL CHARGES and INTEREST. | Land Revenues and Customs. | NET CHARGE. | Expense of Detachments not included in the Charges, but in the Bengal Accounts. | |
| CIVIL. | MILITARY. | Buildings and Fortifications. | TOTAL CHARGES. | | | | | | |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 1826-27 - 90,836 | 20,506 | 3,201 | 114,545 | 1,272 | 115,817 | 37,390 | 78,427 | | 25,273 |
| 1827-28 - 98,205 | 18,470 | 4,784 | 121,459 | 2,024 | 123,483 | 21,638 | 101,845 | | 30,412 |
| Estimate 1828-29 } - 84,942 | 11,821 | 5,860 | 102,623 | - | 102,623 | 22,693 | 79,931 | † | 50,255 |

| (continued.) MALACCA. | | | | | | | | 24. |
|-----------------------|-----------|-------------------------------------|-------------------|----------------------------------|----------------|---|--|-----|
| CHARGES. | | | | 21. | 22. | 23. | TOTAL NET CHARGE | |
| 17. | 18. | 19. | 20. | Land Revenues and Customs. | NET CHARGE. | Expense of Detachments not included in the Charges, but in the Bengal Accounts. | Prince of Wales Island, Singapore, and Malacca, exclusive of the Expense of Detachments. | |
| CIVIL. | MILITARY. | Buildings and Fortifications. | TOTAL CHARGES. | | | | | |
| £. | £. | £. | £. | £. | £. | £. | £. | |
| 10,224 | 1,819 | 521 | 12,564 | 4,139 | (a) 8,425 | (a) 2,893 | (a) 94,745 | |
| 16,325 | 2,299 | 1,186 | 19,810 | 4,881 | 14,929 | 5,781 | 15,271 | |
| 16,985 | 2,043 | 4,060 | 23,088 | 7,045 | 16,043 | 5,336 | 117,099 | |

(a) The Accounts of Singapore and Malacca for the year 1826-27, comprise the period from 1st August 1826 to 30th April 1827 only.

India Board, Westminster, }
 28th February 1831. }

presented by His late Majesty's Command, 9th February 1830.)

ISLAND, SINGAPORE and MALACCA, and ST. HELENA (exclusive of the Commercial Charges) drawn from the the RESULT in the Years 1826-27 and 1827-28, with the ESTIMATE of the same for the Year 1828-29.

| S I N G A P O R E. | | | | | | |
|--------------------|-----------|-------------------------------------|-------------------|-------------------------------------|----------------|---|
| C H A R G E S. | | | | 14. | 15. | 16. |
| 10. | 11. | 12. | 13. | Land Revenues and Customs. | NET CHARGE. | Expense of Detachments not included in the Charges, but in the Bengal Accounts. |
| CIVIL. | MILITARY. | Buildings and Fortifications. | TOTAL CHARGES. | | | |
| £. | £. | £. | £. | £. | £. | £. |
| 20,107 | 733 | 1,268 | 22,108 | 14,215 | (a) 7,893 | (a) 9,004 |
| 47,237 | 3,313 | 4,606 | 55,056 | 18,559 | 36,497 | 8,028 |
| 29,179 | 2,626 | 11,150 | 42,955 | 21,890 | 21,125 | 8,262 |

| S T. H E L E N A. | | | | | |
|-------------------|-----------|-------------------------------------|-------------------|---|----------------|
| C H A R G E S. | | | | 29. | 30. |
| 25. | 26. | 27. | 28. | REVENUES; viz. Rents, Licenses, and Tonnage Duties. | NET CHARGE. |
| CIVIL | MILITARY. | Buildings and Fortifications. | TOTAL CHARGES. | | |
| £. | £. | £. | £. | £. | £. |
| 27,172 | 87,297 | 3,974 | 118,443 | 3,943 | 114,500 |
| 46,808 | 75,172 | 1,989 | 123,969 | 3,398 | 120,571 |
| actual | actual | actual | actual | actual | actual |
| 44,507 | 69,072 | 2,058 | 115,637 | 2,583 | 113,054 |

| | |
|--------------------------|--|
| - 1826-27. | |
| - 1827-28. | |
| { Estimate - 1828-29. | |

The Columns thus marked (X) were written in the MS. in *Red Ink*.

(Errors excepted.)

Wm. Leach.

REVISED ACCOUNT, No. 2, Parl. Paper, No. 22,

No. 2.—AN ACCOUNT of the Total Annual Amount of the REVENUES and CHARGES of the several PRESIDENCIES before Parliament; distinguishing as to the Revenues, the Revenues realized in the Original Possessions of as to the Charges, the Military Charges and the Charges for Buildings and Fortifications, from Civil, Revenue, Interest paid on the Debts, and the Amount of Territorial Charges paid in England; revised according to more under the heads of "Territorial Charges paid in England."—(Vide Evidence before the Select Committee of

| YEARS. | R E V E N U E S : | | | | | | | | | |
|---------------------|---|-----------|---------------|------------|---|---------------|-----------|-----------------------------|-----------------------------|------------------------------|
| | 1. | | | | 2. | | | TOTAL GROSS REVENUES. | 3. | |
| | REVENUES of the ORIGINAL POSSESSIONS of the EAST INDIA COMPANY. [Per separate Statement (A.) p. 18.] | | | | SUBSIDIES and COLLECTIONS from CEDED and CONQUERED COUNTRIES. [Per separate Statement (B.) p. 20.] | | | | MILITARY - - | |
| | Bengal. | Madras. | Bombay. | Total. | Gross Receipts. | Charges. | Receipts. | | Bengal. | Madras. |
| | £. | £. | £. | £. | £. | £ | £. | £. | £. | £. |
| 1809-10 | 6,914,367 | 1,392,597 | 263,773 | 8,570,737 | 7,893,654 | 2,125,796 | 5,767,858 | 16,464,391 | 3,448,434 | 3,146,493 |
| 1810-11 | 7,058,771 | 1,387,854 | 273,966 | 8,720,591 | 7,958,607 | 2,173,733 | 5,784,874 | 16,679,198 | 3,453,660 | 3,371,045 |
| 1811-12 | 7,116,712 | 1,357,759 | 269,398 | 8,743,869 | 7,861,747 | 2,182,601 | 5,679,146 | 16,605,616 | 2,945,987 | 2,868,965 |
| 1812-13 | 6,894,735 | 1,498,982 | 271,195 | 8,664,912 | 7,794,862 | 2,119,895 | 5,674,967 | 16,459,774 | 2,934,384 | 2,940,891 |
| 1813-14 | 7,437,346 | 1,403,681 | 262,270 | 8,903,297 | 8,325,414 | 2,179,673 | 6,145,741 | 17,228,711 | 2,993,529 | 2,927,314 |
| 1814-15 | 7,291,764 | 1,475,254 | 282,162 | 9,049,180 | 8,182,011 | 2,208,111 | 5,973,900 | 17,231,191 | 3,480,543 | 3,142,062 |
| 1815-16 | 7,510,427 | 1,321,135 | 302,471 | 9,134,033 | 8,034,162 | 2,229,208 | 5,804,954 | 17,168,195 | 3,977,021 | 3,327,174 |
| 1816-17 | 7,664,133 | 1,356,381 | 301,857 | 9,322,371 | 8,687,764 | 2,157,944 | 6,529,820 | 18,010,135 | 4,048,460 | 3,301,155 |
| 1817-18 | 7,666,645 | 1,465,279 | 300,769 | 9,432,693 | 8,872,572 | 2,139,780 | 6,732,792 | 18,305,265 | 4,429,542 | 3,450,992 |
| 1818-19 | 7,854,597 | 1,463,446 | 278,710 | 9,596,753 | 9,795,249 | 2,233,891 | 7,561,358 | 19,392,002 | 4,500,919 | 3,960,981 |
| 1819-20 | 7,820,834 | 1,421,996 | 280,264 | 9,523,094 | 9,683,539 | 2,279,343 | 7,404,196 | 19,172,506 | 4,434,574 | 3,698,168 |
| 1820-21 | 8,457,926 | 1,412,893 | 379,895 | 10,250,714 | 11,234,044 | 3,025,769 | 8,208,275 | 21,292,036 | 4,486,545 | 3,556,222 |
| 1821-22 | 8,448,902 | 1,477,760 | (a) 817,381 | 10,744,043 | 11,009,228 | 3,014,908 | 7,994,320 | 21,753,271 | 3,989,585 | 3,331,247 |
| 1822-23 | 9,336,210 | 1,478,841 | (a) 1,582,673 | 12,397,724 | 10,723,210 | 3,021,376 | 7,701,834 | 23,120,934 | 3,766,882 | 2,951,119 |
| 1823-24 | 8,169,871 | 1,409,808 | (a) 993,795 | 10,573,474 | 10,665,149 | (b) 4,213,845 | 6,451,304 | 21,238,623 | 4,075,071 | 3,055,746 |
| 1824-25 | 8,920,008 | 1,458,636 | 398,886 | 10,777,530 | 9,927,622 | 3,060,075 | 6,867,547 | 20,705,152 | 5,315,135 | 3,645,890 |
| 1825-26 | 8,348,366 | 1,475,417 | 446,711 | 10,270,494 | 10,826,472 | 3,131,835 | 7,694,637 | 21,096,966 | 6,814,074 | 3,695,906 |
| 1826-27 | 9,244,633 | 2,056,435 | 536,704 | 11,837,832 | 11,489,921 | 3,148,400 | 8,341,521 | 23,327,753 | { 5,511,162 } (c) 75,966 | (c) 3,426,730 |
| 1827-28 | 9,928,526 | 1,393,632 | 525,809 | 11,847,967 | 10,964,179 | 3,548,833 | 7,415,346 | 22,812,146 | { 4,484,299 } (c) 91,231 | { 3,897,520 } (d) 600,905 |
| Estimate 1828-29 | 9,514,861 | 1,459,469 | 542,549 | 11,516,879 | 11,580,462 | 3,514,191 | 7,812,231 | 23,097,341 | { 4,384,005 } (c) 34,800 | { 3,228,780 } (c) |

(a) The Receipts and Charges on account of Malwa Opium were included in the Bombay Accounts of these Years.

(b) In this year the Sum paid to the Nizam for the Redemption of the Peshcush, is included in the Charges. See Statement (B.)

(c) Batta to Troops engaged in the Burmese War.

(d) Part of the Deccan Prize Money, erroneously credited as Revenue in former Years.

(e) The Value of Stores sent from England was erroneously included in the Madras Charges, in the Company's Annual Revenue Accounts laid before The House of Commons on 14 May 1829, from which the former Account, No. 2. was framed.

presented by His late Majesty's Command, 9th February 1830.

IN INDIA, from the Year 1809-10 to the Year 1827-28, with the Estimate of the same for the Year 1828-29, as laid the East India Company, from the Subsidies from Native Princes, or Collections from Ceded and Conquered Countries; and Judicial and Marine Charges; showing also the Net Charge of Bencoolen, Prince of Wales Island, &c.; likewise the recent adjustments in the Accounts of the Company, particularly with respect to the Articles of "Off reckonings" and "Stores," The House of Commons, 7 June 1830, pages 6 to 8.)

| CHARGES: | | | | | | | | | | | 7. |
|--------------|------------|----------------------------------|---------|---------|---------|---|-----------|-------------|-----------|---|-----------------------------|
| 3. MILITARY. | | 4. BUILDINGS and FORTIFICATIONS. | | | | 5. CIVIL, REVENUE, JUDICIAL and MARINE. [Per separate Statement (C.) p. 22.] | | | | 6. TOTAL CHARGES, Including those of Ceded and Conquered Countries. | NET REVENUE. |
| Bombay. | Total. | Bengal. | Madras. | Bombay. | Total. | Bengal. | Madras. | Bombay. | Total. | | |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 1,278,114 | 7,873,041 | 109,828 | 69,563 | 51,830 | 231,241 | 2,431,158 | 768,672 | 345,669 | 3,545,499 | 12,775,577 | 2,688,814 |
| 1,151,290 | 7,975,905 | 32,279 | 60,034 | 22,248 | 144,561 | 2,540,218 | 777,964 | 288,512 | 3,615,694 | 12,909,983 | 2,769,215 |
| 1,091,180 | 6,846,132 | 77,799 | 97,175 | 55,277 | 230,248 | 2,230,935 | 779,257 | 351,200 | 3,961,392 | 12,220,967 | 3,384,649 |
| 1,103,420 | 6,978,855 | 108,298 | 104,973 | 22,153 | 241,404 | 3,022,696 | 938,497 | 357,082 | 4,319,275 | 13,659,429 | 2,800,345 |
| 1,118,204 | 7,039,047 | 80,744 | 85,367 | 36,827 | 202,948 | 2,826,771 | 930,720 | 378,563 | 4,196,057 | 12,617,725 | 3,610,986 |
| 1,269,494 | 7,892,099 | 76,273 | 98,267 | 43,049 | 217,589 | 2,625,323 | 922,670 | 310,639 | 3,864,652 | 14,122,452 | 3,048,740 |
| 1,352,628 | 8,917,723 | 94,408 | 55,206 | 24,014 | 183,628 | 2,551,457 | 904,445 | 295,126 | 3,751,028 | 15,263,527 | 2,086,668 |
| 1,496,836 | 8,846,451 | 69,553 | 63,885 | 22,331 | 161,769 | 2,745,798 | 896,538 | 321,339 | 3,963,675 | 15,129,829 | 2,880,996 |
| 1,399,064 | 9,279,598 | 82,849 | 42,793 | 32,226 | 157,868 | 2,919,157 | 1,001,755 | 346,206 | 4,267,718 | 15,244,964 | 2,460,301 |
| 1,089,956 | 10,451,856 | 48,058 | 57,358 | 22,991 | 134,407 | 3,436,542 | 996,402 | 305,517 | 4,738,461 | 17,538,616 | 1,833,387 |
| 1,814,404 | 9,947,146 | 170,017 | 80,106 | 19,962 | 270,085 | 3,292,401 | 929,262 | 356,732 | 4,578,401 | 17,440,848 | 2,131,658 |
| 1,086,696 | 10,029,463 | 115,311 | 87,290 | 26,822 | 259,429 | 2,991,140 | 931,241 | (a) 476,292 | 4,398,673 | 17,520,612 | 3,771,424 |
| 1,833,190 | 9,154,022 | 131,379 | 22,109 | 22,738 | 296,226 | 3,114,931 | 953,125 | 1,022,426 | 5,090,512 | 17,555,668 | 4,197,603 |
| 1,687,770 | 8,405,771 | 367,779 | 143,702 | 124,913 | 646,394 | 3,312,396 | 916,143 | 1,781,422 | 5,009,941 | 18,283,422 | 5,037,452 |
| 1,531,812 | 8,662,630 | 420,621 | 48,469 | 164,580 | 633,650 | 3,632,651 | 892,021 | (a) 866,714 | 5,392,386 | 18,902,511 | 2,336,112 |
| 1,762,154 | 10,722,179 | 446,710 | 136,435 | 176,629 | 759,834 | 4,245,501 | 907,200 | 715,120 | 5,867,841 | 20,410,929 | 294,223 |
| 2,371,545 | 12,821,525 | 388,131 | 61,063 | 177,860 | 627,054 | 4,221,772 | 862,749 | 831,424 | 5,705,951 | 22,346,395 | (f) Net Charge 1,249,200 |
| 2,172,122 | 11,185,986 | 534,497 | 22,762 | 155,106 | 772,365 | 4,405,868 | 867,241 | 919,649 | 6,192,758 | 21,299,609 | Net Revenue 2,028,244 |
| 2,051,810 | 11,125,765 | 548,491 | 81,877 | 142,088 | 773,456 | 4,536,446 | 916,039 | 915,181 | 6,367,646 | 21,815,700 | 996,446 |
| 1,842,116 | 9,445,707 | 478,910 | 61,268 | 95,580 | 635,758 | 4,015,688 | 912,685 | 1,012,230 | 5,941,262 | 19,536,929 | 3,560,422 |

N. B.—The Indian Currency is converted into British, at the following Rates:

Current Rupee, at - - - 2s. | Bombay Rupee, at - - - 2s. 3d.
Pagoda (or 3½ Madras Rupees) at 2s. | Spanish Dollar, at - - - 5s. 9d.

(f) RED Ink in the MS.

No. 2.—ACCOUNT of the Total Annual Amount of the REVENUES

CHARGES—continued.

| 8. | 9. | 10. | 11. | 12. | 13. | 14. |
|---|--------------------------|--------------------------------------|------------------------------------|--|--|---|
| Net Charge of Bencoolen, Prince of Wales Island, &c. | Interest on Debts. | TOTAL CHARGES and INTEREST. | SURPLUS REVENUE in INDIA. | Net Charge of the Island of St. Helena. (g) | Remaining Indian Surplus Revenue. | Remaining Indian Surplus Charge. |
| £. | £. | £. | £. | £. | £. | £. |
| 119,540 | 2,159,019 | 16,054,136 | 410,255 | 83,821 | 326,434 | - - - |
| 108,443 | 2,196,691 | 16,215,117 | 464,081 | 81,220 | 382,861 | - - - |
| 86,434 | 1,457,077 | 14,764,478 | 1,841,138 | 81,854 | 1,759,284 | - - - |
| 118,357 | 1,491,870 | 15,269,656 | 1,190,118 | 82,992 | 1,107,126 | - - - |
| 114,703 | 1,537,434 | 15,269,862 | 1,958,849 | 95,254 | 1,863,595 | - - - |
| 112,163 | 1,502,217 | 15,796,831 | 1,434,360 | 92,087 | 1,342,273 | - - - |
| 127,853 | 1,584,167 | 16,793,597 | 374,598 | 97,705 | 276,893 | - - - |
| 107,667 | 1,719,470 | 16,956,976 | 1,053,159 | 97,705 | 955,454 | - - - |
| 122,088 | 1,753,018 | 17,720,070 | 585,195 | 97,705 | 487,490 | - - - |
| 112,519 | 1,665,928 | 19,337,062 | 54,940 | 97,705 | - - - | 42,765 |
| 144,344 | 1,940,327 | 19,125,519 | 46,987 | 97,705 | - - - | 50,718 |
| 122,338 | 1,902,585 | 19,545,535 | 1,746,501 | 97,705 | 1,648,795 | - - - |
| 110,111 | 1,932,835 | 19,598,614 | 2,154,657 | 97,705 | 2,056,952 | - - - |
| 134,668 | 1,694,731 | 19,912,881 | 3,208,053 | 120,093 | 3,087,960 | - - - |
| 145,008 | 1,652,449 | 20,699,968 | 538,655 | 112,268 | 426,387 | - - - |
| 169,828 | 1,460,433 | 22,041,190 | (i) Surplus Charge. 1,336,038 | 109,449 | - - - | 1,445,487 |
| (h) 103,872 | 1,575,941 | 24,026,178 | (i) 2,929,212 | 110,413 | - - - | 3,039,625 |
| (h) 93,473 | 1,749,068 | 23,142,050 | Net Revenue. 185,703 | 114,500 | 71,203 | - - - |
| (h) 151,247 | 1,920,532 | 23,887,479 | (i) Surplus Charge. 1,076,333 | 120,571 | - - - | 1,195,904 |
| (h) 117,099 | 2,011,676 | 21,665,694 | Net Revenue. 1,431,647 | 113,054 | 1,318,593 | - - - |

* continued from the preceding page.

(g) The Sums in this Column do not include some Charges on account of the Island defrayed by the Treasury at home, which are contained in the Amount of Territorial Charges paid in England. In the years 1815-16 to 1821-22, the estimated ordinary Charge of the Island, exclusive of the extraordinary Expenditure occasioned by the custody of General Buonaparte, is inserted, the ordinary only being that borne by the Indian Revenue.

(i) RED Ink in the MS.

India Board, Westminster, }
28th February 1831. }

and CHARGES of the several Presidences in India—*continued*.

| 15. 16. 17. TERRITORIAL CHARGES PAID IN ENGLAND. | | | 18. 19 GENERAL RESULT. | | YEARS. |
|--|---|-----------|---------------------------|--------------------|------------------------|
| Costs of Political Stores, deducting the Value of such Stores included in the Indian Charges. | Other Territorial Payments chargeable on the Revenues. | TOTAL. | SURPLUS REVENUE. | SURPLUS CHARGE. | |
| £. | £. | £. | £. | £. | |
| 190,128 | 867,097 | 1,057,225 | - - - | 730,791 | 1809-10 |
| 217,703 | 901,688 | 1,119,391 | - - - | 736,530 | 1810-11 |
| 154,998 | 922,770 | 1,077,768 | 681,516 | - - - | 1811-12 |
| 197,977 | 1,247,644 | 1,445,621 | - - - | 338,495 | 1812-13 |
| 210,771 | 1,201,835 | 1,412,606 | 450,989 | - - - | 1813-14 |
| 185,874 | 1,200,415 | 1,386,289 | - - - | 44,016 | 1814-15 |
| 167,356 | 1,254,403 | 1,421,759 | - - - | 1,144,866 | 1815-16 |
| 280,125 | 1,119,914 | 1,400,039 | - - - | 444,585 | 1816-17 |
| 126,651 | 1,149,326 | 1,275,977 | - - - | 788,487 | 1817-18 |
| 198,290 | 1,211,923 | 1,410,213 | - - - | 1,452,978 | 1818-19 |
| 341,493 | 1,234,635 | 1,576,128 | - - - | 1,626,866 | 1819-20 |
| 317,111 | 1,130,794 | 1,447,905 | 200,891 | - - - | 1820-21 |
| 287,751 | 1,248,983 | 1,536,734 | 520,218 | - - - | 1821-22 |
| 204,147 | 1,420,334 | 1,624,481 | 1,463,479 | - - - | 1822-23 |
| 395,276 | 891,973 | 1,287,249 | - - - | 860,862 | 1823-24 |
| 414,181 | 1,236,892 | 1,651,073 | - - - | 3,096,560 | 1824-25 |
| 740,728 | 1,076,504 | 1,817,232 | - - - | 4,856,857 | 1825-26 |
| 1,111,792 | 1,318,102 | 2,429,894 | - - - | 2,358,691 | 1826-27 |
| 805,016 | 1,255,125 | 2,060,141 | - - - | 3,256,045 | 1827-28 |
| 449,603 | 1,517,802 | 1,967,405 | - - - | 648,811 | { Estimate. 1828-29 |

(h) In 1825-26, the Charge of Bencoolen ceased, that Settlement having been transferred to the Government of the Netherlands. In the subsequent years, the Net charge of Singapore and Malacca is included.

(Errors excepted.)

Wm. Leach.

(CONTINUATION of Account, No. 2. (A.) Parl. Paper, No. 22,

**No. 2. (A.) STATEMENT of the REVENUES realized in the ORIGINAL POSSESSIONS
in the Years 1826-27 and 1827-28, with the**

| B E N G A L. | | | | | | | | | | | |
|-----------------------|-------------|-----------------------|---------------|-----------------|----------------|-------------|----------------|-------------|---------------|----------------|---------------|
| 1. | 2. Mint. | 3. Post Office. | 4. Stamps. | 5. Judicial. | 6. Customs. | 7. Land. | 8. Benares. | 9. Salt. | 10. Opium. | 11. Marine. | 12. TOTAL. |
| | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 1826-27 | 32,595 | 84,881 | 219,607 | 82,276 | 330,970 | 3,784,717 | 784,784 | 2,173,345 | 1,715,308 | 36,150 | 9,244,633 |
| 1827-28 | 32,177 | 91,833 | 238,546 | 85,441 | 367,355 | 3,862,258 | 778,532 | 2,362,277 | 2,051,621 | 38,486 | 9,928,526 |
| Estimate 1828-29 } | 19,720 | 91,060 | 250,560 | 89,320 | 348,000 | 3,853,520 | 765,793 | 2,250,400 | 1,804,960 | 41,528 | 9,514,861 |

(continued.)

B O M B A Y.

| 23. | 24. | 25. | 26. | 27. | 28. | 29. | 30. | 31. | 32. |
|-------|-----------------|---------|-----------|---------------------------|----------|---------|--------|---------|---------|
| Mint. | Post Office. | Stamps. | Judicial. | Farms and Licenses. | Customs. | Land. | Salt. | Marine. | TOTAL. |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 3,100 | 12,813 | 18,857 | 7,202 | 70,837 | 176,536 | 212,890 | 18,584 | 15,885 | 536,704 |
| 5,440 | 12,584 | 5,161 | 7,134 | 71,977 | 180,129 | 205,067 | 19,934 | 18,383 | 525,809 |
| 4,444 | 12,634 | 11,812 | 6,694 | 49,804 | 206,083 | 213,829 | 21,690 | 15,559 | 542,549 |

India Board, Westminster, }
28th February 1831. }

presented by His late Majesty's Command, 9th February 1830.)

of the EAST INDIA COMPANY at BENGAL, MADRAS and BOMBAY,
ESTIMATE of the same for the Year 1828-29.

| M A D R A S. | | | | | | | | | |
|-----------------------------|-----------------|---------|-----------|---------------------------|----------|---------|---------|---------|-----------|
| 13. | 14. | 15. | 16. | 17. | 18. | 19. | 20. | 21. | 22. |
| Mint. | Post Office. | Stamps. | Judicial. | Farms and Licenses. | Customs. | Land . | Salt. | Marine. | TOTAL. |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. |
| { (a) 4,670 620,226 } | 29,504 | 56,907 | 13,989 | 90,312 | 178,706 | 893,089 | 161,244 | 7,848 | 2,056,495 |
| { (a) 4,332 9,162 } | 32,043 | 56,261 | 13,845 | 90,392 | 178,625 | 846,365 | 154,804 | 7,803 | 1,992,632 |
| { (a) 4,343 10,021 } | 32,000 | 56,343 | 14,212 | 97,051 | 196,044 | 875,700 | 168,927 | 7,828 | 1,459,469 |
| | | | | | | | | | |
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(CONTINUATION of Account, No. 2. (B.) Parl. Paper, No. 22,

No. 2. (B.)—ACCOUNT showing the GROSS and NET RECEIPTS from Subsidies under Treaties with the Native
with the Estimate of the

| | 1. O U D E. | | | 2. A R C O T. | | | 3. T A N J O R E. | | |
|---------------------|-----------------|----------|--------------|------------------|----------------------------------|--------------|----------------------|----------|--------------|
| | Gross Receipts. | Charges. | Net Receipt. | Gross Receipts. | Charges. | Net Receipt. | Gross Receipts. | Charges. | Net Receipt. |
| | £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 1826-27 | 1,958,538 | 552,907 | 1,405,631 | 1,350,688 | 457,031 (a) 10,734 467,765 | 882,923 | 450,049 | 197,347 | 252,702 |
| 1827-28 | 1,813,562 | 506,223 | 1,307,339 | 1,404,342 | 492,660 (a) 620 493,280 | 911,062 | 394,672 | 186,638 | 208,034 |
| Estimate 1828-29 | 1,988,433 | 523,815 | 1,464,618 | 1,436,048 | 453,318 (a) 19,428 472,746 | 963,302 | 477,932 | 178,076 | 299,856 |

| (continued.) 7. M A H R A T T A. | | | 8. T R A V A N C O R E | 9. C O C H I N. | 10. O N T H E N E R B U D D A H, &c. | | |
|-------------------------------------|-----------|--------------|---------------------------|--------------------|---|----------|--------------|
| Gross Receipts. | Charges. | Net Receipt. | Receipts. | Receipts. | Gross Receipts. | Charges. | Net Receipt. |
| £. | £. | £. | £. | £. | £. | £. | £. |
| 3,993,550 | 1,264,291 | 2,729,259 | 89,498 | 22,857 | 596,499 | 101,314 | 495,185 |
| 4,031,823 | 1,613,073 | 2,418,750 | 89,498 | 22,857 | 508,294 | 87,299 | 420,995 |
| 3,961,755 | 1,640,520 | 2,311,235 | 89,498 | 22,857 | 797,732 (b) 92,800 890,532 | 91,060 | 799,472 |

(a) Amount paid in discharge of Petty Claims on the late Nabobs of the Carnatic.

(b) Payment by the Bhutpore State on account of War Charges.

India Board, Westminster,
28th February 1831.

presented by His late Majesty's Command, 9th February 1830.)

Princes of India, or from the Revenues of the Ceded and Conquered Countries, in the Years 1826-27 and 1827-28, same for the Year 1828-29.

| 4. | | | 5. | | | 6. | | |
|------------------------|----------|--------------|-----------------|----------|--------------|-----------------|----------|--------------|
| MYSORE. | | | NIZAM. | | | GUICOWAR. | | |
| Gross Receipts. (c) | Charges. | Net Receipt. | Gross Receipts. | Charges. | Net Receipt. | Gross Receipts. | Charges. | Net Receipt. |
| £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 1,097,613 280,000 | 278,854 | 1,098,759 | 634,481 | 111,863 | 522,618 | 392,273 | 145,399 | 246,874 |
| 1,377,613 | | | | | | | | |
| 1,178,468 280,000 | 299,332 | 1,159,136 | 584,369 | 132,911 | 451,458 | 382,797 | 147,170 | 235,627 |
| 1,458,468 | | | | | | | | |
| 1,158,055 280,000 | 296,537 | 1,141,518 | 617,179 | 121,313 | 495,866 | 382,581 | 127,252 | 255,329 |
| 1,438,055 | | | | | | | | |

| 11. | | | 12. | | | - - 1826-27. |
|-----------------------|----------|--------------|-----------------|-----------|--------------|----------------|
| BURMAH. | | | TOTAL. | | | |
| Gross Receipts. | Charges. | Net Receipt. | Gross Receipts. | Charges. | Net Receipt. | |
| £. | £. | £. | £. | £. | £. | |
| 70,736 (d) 553,139 | 28,660 | 595,215 | 11,489,921 | 3,148,400 | 8,341,521 | |
| 623,875 | | | | | | |
| 87,487 (d) 186,010 | 82,907 | 190,660 | 10,964,179 | 3,548,833 | 7,415,346 | - - 1827-28. |
| 273,497 | | | | | | |
| 76,792 (d) 208,800 | 62,872 | 222,720 | 11,580,462 | 3,514,191 | 8,066,271 | - - { Estimate |
| 285,592 | | | | | | - - 1828-29. |

(c) The smaller Sum appearing annually in this Column, is the Amount of Subsidy received from the present State of Mysore.

(d) Payments by the Burmese Government, under the Treaty of 24th February 1826.

(Errors excepted.)

Wm. Leach.

(CONTINUATION of Account, No. 2. (C.) Parl. Paper, No. 22,

No. 2. (C.)—STATEMENT of the CIVIL, REVENUE, JUDICIAL, MARINE, and other CHARGES
and BOMBAY, in the Years 1826-27 and 1827-28, (those of the former

B E N G A L. - - - - -

| 1. | 2. Mint. | 3. Post Office. | 4. Civil. | 5. Stamps. | 6. Judicial. | |
|---------------------------|-------------|--------------------|--------------|---------------|----------------------------|----------------------------------|
| | | | | | Supreme Court, and Law. | Sudder and Zillah Courts, &c. |
| | £. | £. | £. | £. | £. | £. |
| 1826-27 - - | 47,426 | 86,450 | 1,321,823 | 67,766 | 54,239 | 596,482 |
| 1827-28 - - | 37,989 | 89,075 | 1,102,825 | 81,689 | 51,179 | 626,698 |
| Estimate 1828-29 } - - | 34,800 | 88,508 | 885,544 | 71,920 | 53,244 | 607,608 |

(continued.)

M A D R A S.

| 14. Mint. | 15. Post Office. | 16. Civil. | 17. Stampd. | 18. Judicial. | | 19. Customs. | 20. Revenue. | 21. Salt: Advances and Charges. | 22. Marine. | 23. TOTAL. |
|--------------|------------------------|---------------|----------------|-------------------------------|-------------------------------------|-----------------|-----------------|---|----------------|---------------|
| | | | | Supreme Court, and Law. | Sudder and Zillah Courts, &c. | | | | | |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 18,818 | 25,891 | 322,583 | 9,448 | 49,362 | 180,121 | 27,384 | 186,919 | 30,715 | 16,000 | 867,241 |
| 20,406 | 29,339 | 333,517 | 9,437 | 50,485 | 199,729 | 29,070 | 195,557 | 29,717 | 18,782 | 916,029 |
| 20,513 | 29,028 | 341,049 | 9,452 | 49,497 | 198,202 | 28,498 | 185,205 | 32,010 | 19,231 | 912,685 |

India Board, Westminster, }
28th February 1831. }

presented by His late Majesty's Command, 9th February 1830.)

(exclusive of the Civil Charges of the Ceded and Conquered Countries), defrayed at BENGAL, MADRAS Year further adjusted), with the Estimate of the same for the Year 1828-29.

B E N G A L.

| 7. | 8. | 9. | 10. | 11. | 12. | 13. |
|----------|----------|------------------------------------|-------------------------------------|----------|---------|-----------|
| Customs. | Revenue. | Salt : Advances and Charges. | Opium : Advances and Charges. | Benares. | Marine. | TOTAL. |
| £. | £. | £. | £. | £. | £. | £. |
| 62,684 | 633,813 | 684,945 | 512,713 | 227,490 | 110,037 | 4,405,868 |
| 65,794 | 664,517 | 808,322 | 658,254 | 232,359 | 117,745 | 4,536,446 |
| 65,192 | 596,472 | 758,640 | 461,912 | 237,568 | 154,280 | 4,015,688 |

B O M B A Y.

| B O M B A Y. | | | | | | | | | 32. | 33. |
|--------------|-----------------|---------|-------------------------------|-------------------------------------|----------|----------|---------|-----------|-----------------|--------------------------|
| 24. | 25. | 26. | 27. | | 28. | 29. | 30. | 31. | GRAND TOTAL. | |
| Mint. | Post Office. | Civil. | Supreme Court, and Law. | Sudder and Zillah Courts, &c. | Customs. | Revenue. | Marine. | TOTAL. | | |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | |
| 3,699 | 19,299 | 514,675 | 60,913 | 48,143 | 28,334 | 80,871 | 163,715 | 919,649 | 6,192,758 | - 1826-27. |
| 3,637 | 18,848 | 474,781 | 57,648 | 45,574 | 25,605 | 76,206 | 212,862 | 915,161 | 6,367,646 | - 1827-28. |
| 3,625 | 17,933 | 581,902 | 56,904 | 46,024 | 27,005 | 78,783 | 200,714 | 1,012,890 | 5,941,263 | - { Estimate 1828-29. |

(Errors excepted.)

Wm. Leach.

(CONTINUATION of Account No. 4, Parl. Paper, No. 22,

No. 4.—AN ACCOUNT of the Amount of the BOND and other TERRITORIAL DEBTS owing by the EAST INDIA

| | | 1. BENGAL: | | | | 2. MADRAS: | | | |
|------------------|-------|---------------------------|-------------------|------------|----------------------|---------------------------|-------------------|-----------|----------------------|
| | | Debt at Interest. * | Floating Debt. | TOTAL. | Interest payable. | Debt at Interest. * | Floating Debt. | TOTAL. | Interest payable. |
| | | £. | £. | £. | £. | £. | £. | £. | £. |
| 1827 | - - - | 31,268,457 | 6,490,918 | 37,759,375 | 1,667,034 | 2,844,299 | 982,259 | 3,827,258 | 177,078 |
| 1828 | - - - | 35,977,579 | 6,533,059 | 42,510,638 | 1,907,121 | 2,978,032 | 912,626 | 3,890,658 | 186,716 |
| Increase 1827/28 | - | 4,709,122 | 42,141 | 4,751,263 | 240,087 | 133,033 | - | 63,400 | 9,638 |
| Decrease - Ditto | - | - | - | - | - | - | 69,633 | - | - |

| (continued.) 5. PRINCE OF WALES ISLAND. | | | | 6. TOTAL: | | | | | |
|--|-------------------|--------|----------------------|-------------------------|-------------------|---------------------------|----------------------|---------|-----|
| Debt at Interest. | Floating Debt. | TOTAL. | Interest payable. | Debt at Interest. | Floating Debt. | TOTAL. | Interest payable. | | |
| £. | £. | £. | £. | £. | £. | £. | £. | | |
| 28,452 | 15,454 | 43,906 | 1,138 | 34,796,836 | 8,074,040 | 42,870,876 | 1,886,263 | 1827 | - - |
| 23,179 | 20,130 | 43,309 | 927 | 39,606,354 | 7,898,204 | 47,504,558 | 2,132,595 | 1828 | - - |
| - | 4,676 | - | - | Net Increase 1827/28 | 4,809,518 | { Decrease + 175,836 } | 4,633,682 | 246,332 | |
| 5,273 | - | 597 | 211 | | | | | | |

† RED Ink in the MS.

presented by His late Majesty's Command 9th February 1830.)

COMPANY at their several PRESIDENCIES in INDIA, on the 30th April in each of the Years 1827 and 1828.

| 3. BOMBAY: | | | | 4. BENCOOLEN: | | | |
|-------------------------|-------------------|-----------|----------------------|-------------------------|-------------------|--------|----------------------|
| Debt at Interest. | Floating Debt. | TOTAL. | Interest payable. | Debt at Interest. | Floating Debt. | TOTAL. | Interest payable. |
| £. | £. | £. | £. | £. | £. | £. | £. |
| 654,928 | 585,409 | 1,240,337 | 41,013 | - - - | - - - | - - - | - - - |
| 627,564 | 432,389 | 1,059,953 | 37,831 | - - - | - - - | - - - | - - - |
| - - - | - - - | - - - | - - - | - - - | - - - | - - - | - - - |
| 27,364 | 153,020 | 180,384 | 3,182 | - - - | - - - | - - - | - - - |

N. B.—The Indian Currency is converted into British at the following rates:

Current Rupee at - - - 2s.

Bompay Rupee at 2s. 3d.

Pagoda (or 3½ Madras Rupees) at 8s.

Spanish Dollar - 5s. 0d.

* The Sums in these Columns do not include the amount of the Government Securities, in the hands of the Commissioners of the Sinking Fund. The operation of that Fund has now ceased.

India Board, Westminster,
28th February 1831. }

(Errors excepted.)

Wm Leach.

(CONTINUATION of Account, No. 6, Parl. Paper, No. 22,

No. 6.—AN ACCOUNT of the Amount of the ASSETS of the EAST INDIA COMPANY
distinguishing the TERRITORIAL

| B E N G A L. | | | | | | | | | | | |
|-----------------------------|---------------|----------------------------------|--|--------------|-------------|-----------------------------|------------------------|------------------------|---------------|-----------------|--|
| TERRITORIAL. | | | | | COMMERCIAL. | | | | | 11. | |
| 1. Cash and Bills. | 2. Stores. | 3. Debts outstanding. • | 4. Salt, Opium, Grain and Cattle. | 5. TOTAL. | 6. Cash. | 7. Debts outstanding. | 8. Export Goods. | 9. Import Goods. | 10. TOTAL. | GRAND TOTAL. | |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | |
| 1828 3,870,742 | 596,360 | 5,554,075 | 2,282,611 | 12,303,788 | 333,145 | 983,097 | 852,034 | 147,714 | 2,315,990 | 14,619,778 | |

| B O M B A Y. | | | | | | | | | | | |
|------------------------------|----------------|---------------|---|---------------|--------------|---------------|-------------------------|-------------------------|---------------|-----------------|--|
| TERRITORIAL. | | | | | COMMERCIAL. | | | | | 34. | |
| 24. Cash and Bills. | 25. Stores. | 26. Debts. | 27. Salt, Opium, Grain and Cattle. | 28. TOTAL. | 29. Cash. | 30. Debts. | 31. Export Goods. | 32. Import Goods. | 33. TOTAL. | GRAND TOTAL. | |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | |
| 1828 1,601,368 | 1,253,519 | 754,740 | 75,732 | 3,685,359 | 8,908 | 42,045 | 13,256 | 45,557 | 109,766 | 3,795,125 | |

| I N D I A | | | | | | | | | | | |
|------------------------|----------------|---------------------------|---|---------------|--|--|--|--|--|--|--|
| TERRITORIAL. | | | | | | | | | | | |
| 41. Cash and Bills. | 42. Stores. | 43. Debts outstanding. | 44. Salt, Opium, Grain, and Cattle. | 45. TOTAL. | | | | | | | |
| £. | £. | £. | £. | £. | | | | | | | |
| 1828 7,722,421 | 3,827,571 | 8,629,349 | 2,928,936 | 23,108,277 | | | | | | | |

* THE Sums in these Columns do not include the Amount of the Government Securities in the hands

India Board, Westminster, }
28th February 1831. }

presented by His late Majesty's Command, 9th February 1830.)

at the several PRESIDENCIES and SETTLEMENTS in INDIA, on the 30th April 1828;
from the COMMERCIAL ASSETS.

| M A D R A S. | | | | | | | | | | | |
|------------------------------|----------------|-----------------------------------|---|---------------|--------------|----------------|------------------------------|-------------------------|-------------------------|---------------|-----------------|
| TERRITORIAL. | | | | | COMMERCIAL. | | | | | | 23. |
| 12. Cash and Bills. | 13. Stores. | 14. Debts outstanding. • | 15. Salt, Opium, Grain and Cattle. | 16. TOTAL. | 17. Cash. | 18. Stores. | 19. Debts outstanding. | 20. Export Goods. | 21. Import Goods. | 22. TOTAL. | GRAND TOTAL. |
| £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 2,231,538 | 1,878,987 | 2,297,994 | 570,593 | 6,979,112 | 41,886 | 6,993 | 111,956 | 249,910 | 10,333 | 421,078 | 7,400,190 |

| P R I N C E O F W A L E S I S L A N D. | | | | | |
|--|----------------|---------------|---------------|----------------------|--------------|
| TERRITORIAL. | | | | COMMERCIAL. | 40. |
| 35. Cash and Bills. | 36. Stores. | 37. Debts. | 38. TOTAL. | 39. Import Goods. | GRAND TOTAL. |
| £. | £. | £. | £. | £. | £. |
| 18,773 | 98,705 | 22,540 | 140,018 | - - - - | 140,018 |

- - - - - I N D I A.

| C O M M E R C I A L. | | | | | | 52. |
|------------------------|----------------|---------------------------|----------------------|----------------------|---------------|------------------------|
| 46. Cash and Bills. | 47. Stores. | 48. Debts outstanding. | 49. Export Goods. | 50. Import Goods. | 51. TOTAL. | GRAND TOTAL, INDIA. |
| £. | £. | £. | £. | £. | £. | £. |
| 383,939 | 6,993 | 1,137,098 | 1,115,200 | 203,604 | 2,846,834 | 46,955,111 |

of the Commissioners of the Sinking Fund. The operation of that Fund has now ceased.

(Errors excepted.)

Wm. Leach.

(CONTINUATION of Account, No. 7, Parl. Paper, No. 22, presented by His late Majesty's
Command, 9th February 1830.)

No. 7.—ABSTRACT STATEMENT of the Result of the DEBTS and ASSETS of the
EAST INDIA COMPANY in all INDIA, on the 30th April 1828.

| TERRITORIAL. | | | | | |
|------------------|--------------------|------------------------------------|---|-----------------------------|-----------------------------------|
| | 1. D E B T | | 2. TOTAL D E B T S. | 3. TOTAL A S S E T S. | 4. EXCESS of D E B T S. |
| | At Interest. | Floating. | | | |
| | £. | £. | £. | £. | £. |
| 1828 | 39,606,353 | 7,898,205 | 47,504,558 | 23,108,277 | 24,396,281 |
| COMMERCIAL. | | | GRAND TOTAL, TERRITORIAL AND COMMERCIAL. | | |
| 5. D E B T S. | 6. A S S E T S. | 7. EXCESS of A S S E T S. | 8. D E B T S. | 9. A S S E T S. | 10. EXCESS of D E B T S. |
| £. | £. | £. | £. | £. | £. |
| 167,443 | 2,846,834 | 2,679,391 | 47,672,001 | 25,955,111 | 21,716,890 |

India Board, Westminster,
28th February 1831.

(Errors excepted.)

Wm. Leach.

(CONTINUATION of Account, No. 21, Parl. Paper, No. 22, presented by His late Majesty's Command,
9th February 1830.)

—No 21.—

GENERAL STATEMENT, showing the Amount of the PROCEEDS of the SALES of GOODS and MERCHANDIZE of the EAST INDIA COMPANY in *Great Britain*, and of their COMMERCIAL and other RECEIPTS, CHARGES and PAYMENTS in *Great Britain*, under the several Heads thereof, for the Year 1829–30, according to the Annual Accounts presented to Parliament; distinguishing the RECEIPTS and PAYMENTS in the POLITICAL and TERRITORIAL BRANCH from the RECEIPTS and PAYMENTS in the COMMERCIAL BRANCH.

(CONTINUATION of Account, No. 21, Parl. Paper, No. 22,

No. 21.—GENERAL STATEMENT, showing the Amount of the PROCEEDS of the and of their COMMERCIAL and other RECEIPTS, CHARGES and PAYMENTS in Great ANNUAL ACCOUNTS presented to Parliament; distinguishing the RECEIPTS and PAYMENTS in the COMMERCIAL BRANCH.

| RECEIPTS: | 1829-30. |
|---|----------|
| TERRITORIAL. | £. |
| Bills for Supplies to Public Service in India, and Bills drawn on India | 57,482 |
| Unclaimed Prize Money received and applicable to Lord Clive's Fund | 408 |
| TOTAL TERRITORIAL RECEIPTS - Carried forward - - £. | 57,890 |

presented by His late Majesty's Command 9th February 1830.)

SALES of GOODS and MERCHANDIZE of the EAST INDIA COMPANY in *Great Britain, Britain*, under the several Heads thereof, for the Year 1829-30, according to the PAYMENTS in the POLITICAL and TERRITORIAL BRANCH from the RECEIPTS and

| PAYMENTS: | | 1829-30. |
|--|--|-----------|
| TERRITORIAL. | | £. |
| Bills of Exchange for Principal of Debt - - - - - | | 83,928 |
| — for Interest of Debt - - - - - | | 794,050 |
| Principal and Interest - - - - £. | | 877,978 |
| Bills of Exchange for Effects of deceased Officers, &c. - - - | | 69,293 |
| Charges on Bullion imported - - - - - | | 834 |
| TERRITORIAL CHARGES AND ADVANCES. | | |
| Military and Marine Stores for Export - - - - - | | 249,221 |
| Officers Pay on Furlough and Retirement - - - - - | | 542,253 |
| Passage of Military, and Supplies on Voyage - - - - - | | 8,358 |
| Political Freight and Demurrage - - - - - | | 118,918 |
| Carnatic Debts— Interest on Claims - - - - - | | 111,702 |
| Ditto - - Salaries and Current Charges - - - - - | | 5,483 |
| Tanjore Debts— ditto - - ditto - - - - - | | 1,652 |
| Charges, St. Helena—Bills paid - - - - - | | 44,941 |
| Ditto - ditto - Exports provided - - - - - | | 31,531 |
| Ditto - Prince of Wales Island—Bills paid - - - - - | | 1,591 |
| Ditto - - - ditto - - - Exports provided - - - - - | | 3,005 |
| Political Charges General - - - - - | | 474,890 |
| Paymaster General on Account of King's Troops in India - - | | 317,712 |
| Ditto - - - on Account of Retiring Pay, Pensions, &c. - | | 60,000 |
| Civil Establishments of India, Annuities and Absentee Allowances - | | 62,366 |
| Passage of Troops and Freight of Stores chargeable to His Majesty's Government, together with Balance of an Account adjusted with them in respect to transactions in India in 1824-25, and 1825-26 - - - - - | | 36,484 |
| TOTAL TERRITORIAL PAYMENTS - Carried forward - - £. | | 3,018,212 |

No. 21.—General Statement, showing the Amount of the Sales of Goods and

| | 1829-30. |
|---|----------------------|
| RECEIPTS—continued. | |
| ‘TOTAL TERRITORIAL RECEIPTS - - brought forward - - | £. 57,890 |
| COMMERCIAL: | |
| Sale Proceeds of Company's Goods - - - - - | 4,329,304 |
| Charges and Profit on Private Trade - - - - - | 106,817 |
| Interest on the Annuities - - - - - | 36,227 |
| Owners of Ships, for advances abroad and short deliveries - - - | 806 |
| Almshouses at Poplar; Poplar Contingent Fund, and Seamen's Wages } unclaimed - - - - - } | 39,944 |
| Fee Funds for House and Warehouses - - - - - | 68,016 |
| Widow's Funds for Officers, Elders, &c. House and Warehouses - | 17,558 |
| Interest and Discount on anticipated Payments - - - - - | 16,875 |
| Dividends on 3 per cent. Stock - - - - - | 26,545 |
| North American Colonies, on account of Teas - - - - - | 98,484 |
| In repayment of a Loan made by the Company's Agents to the Colonial } Government at the Cape - - - - - } | 18,204 |
| Bills in favour, remitted by him - - - - - | 584 |
| TOTAL COMMERCIAL RECEIPTS - - - - - £. | 4,759,364 |
| TOTAL RECEIPTS - - - - - £. | 4,817,254 |
| PRIVATE TRADE: | |
| Sale Proceeds: | |
| Private Trade Goods - - - - - | 1,602,012 |
| Customs on ditto - - - - - | 1,096 |
| Freight on ditto - - - - - | 10,999 |
| TOTAL RECEIPTS including PRIVATE TRADE - - - £. | 6,431,361 |
| BALANCE in favour, at the beginning of the Year, (excluding } Duty on Tea) - - - - - } | 1,081,563 |
| £. | 7,512,924 |

India Board, Westminster, }
28th February 1831. }

Merchandize of the East India Company in Great Britain—*continued*.

| | 1829-30. |
|--|-------------------------|
| PAYMENTS—<i>continued</i>. | |
| TOTAL TERRITORIAL PAYMENTS - brought forward - - | £. 3,018,217 |
| COMMERCIAL : | |
| Customs - - - - - | *378 |
| Freight and Demurrage - - - - - | 656,786 |
| Goods for Export, for Sale and Use - - - - - | 476,253 |
| Commanders' Certificates, and Bills from China and the Cape - - | 150,208 |
| Charges general - - - - - | 418,509 |
| Interest on Bond Debt - - - - - | 114,973 |
| Dividends on Stock - - - - - | 630,701 |
| Almshouses at Poplar - - - - - | 23,972 |
| Fee-Funds for House and Warehouses - - - - - | 77,615 |
| Widows' Funds for Officers and Clerks, &c. in ditto - - - | 14,454 |
| Unclaimed Prize Money for Poplar Claims and Charges - - - | 14 |
| Trustees of Deccan Booty, Advances in England - - - - | 427 |
| TOTAL COMMERCIAL PAYMENTS - - - - - | 2,563,534 |
| TOTAL PAYMENTS - - - - - | 5,581,746 |
| PRIVATE TRADE : | |
| Paid for Customs on Private Trade Goods - - - - - | 1,096 |
| - for Freight on - - ditto - - - - - | 10,999 |
| - Proprietors of Private Trade - - - - - | 1,622,772 |
| TOTAL PAYMENTS (including PRIVATE TRADE) - - - - £. | 7,316,613 |
| BALANCE in favour at the end of the Year (excluding Tea Duty) - - - - - | 296,311 |
| £. | 7,512,924 |

* The receipt from Customs on Private Trade, exceeded the amount of Customs charged to the Company's Commerce.

(Errors excepted.)

W^m Leach.

(CONTINUATION of Account, No. 23, Parl. Paper, No. 22,

No. 23.—GENERAL STATEMENT of the BOND DEBTS and SIMPLE CONTRACT carry, and the Amount of such Interest, and the State of Cash remaining in the on the 1st May 1830; distinguishing the DEBTS and ASSETS in the POLITICAL and

| DEBTS: | 1829-30. |
|---|--------------|
| POLITICAL AND TERRITORIAL: | £. |
| Bills of Exchange unpaid from India and St. Helena - - - | 637,962 |
| Warrants passed the Court unpaid - - - - - | 52,462 |
| Commercial Branch for Territorial Payments in England from } 1st May 1814 (including Interest) - - - - - } | * 10,602,124 |
| Amount owing for Territorial Exports - - - - - | 53,368 |
| Unclaimed Prize Money applicable to Lord Clive's Fund, bearing } Interest at 5 per cent. per annum - - - - - } | 68,693 |
| Due to His Majesty's Government for Pay Office Demands since } 30th April 1822 - - - - - } | 439,678 |
| TOTAL TERRITORIAL DEBTS - - Carried forward - - - £. | 11,854,287 |

presented by His late Majesty's Command, 9th February 1830.)

DEBTS of the EAST INDIA COMPANY, with the RATES of INTEREST they respectively TREASURY, and other Effects appertaining to the Company in *Great Britain*, and afloat TERRITORIAL BRANCH, from the DEBTS and ASSETS in the COMMERCIAL BRANCH.

| ASSETS : | 1829-30. |
|--|-----------|
| POLITICAL AND TERRITORIAL : | £. |
| Military Stores, &c. Exported and to be Exported - - - - | 445,554 |
| Cargoes from England not arrived in India - - - - - | 359,598 |
| Bills on His Majesty's Government for Supplies furnished in India - | 95,823 |
| Owing from sundry Persons for Advances, &c. - - - - | 13,200 |
| Value of Carnatic Stock belonging to the Company - - - | 49,192 |
| Value of East India College at Haileybury, and of the Military Seminary at Addiscombe - - - - - | 177,200 |
| Balances in hands of Officers of House charged as Political Charges } General - - - - - | 4,243 |
| TOTAL TERRITORIAL ASSETS - - Carried forward - - £. | 1,074,810 |

No. 23.—General Statement of the Bond Debts and Simple Contract Debts

| DEBTS— <i>continued.</i> | | 1829-30. |
|---|---|------------|
| COMMERCIAL: | | £. |
| Bills of Exchange unpaid - - - - - | - | 9,109 |
| Customs on Goods sold and unsold - - - - - | - | 2,062 |
| Freight and Demurrage - - - - - | - | 72,400 |
| Supra Cargoes Commission on Goods, sold and unsold - - - | - | 52,950 |
| Private Trade Goods sold - - - - - | - | 408,683 |
| Alms Houses at Poplar (Poplar Fund) bearing Interest at 4 per cent. } per annum - - - - - | - | 261,306 |
| Unclaimed Prize Money, applicable to Poplar Fund - - - - - | - | 36,654 |
| Ditto - - ditto - of which the application is not ascertained - | - | 43 |
| Amount owing for Commercial Exports - - - - - | - | 66,673 |
| Ditto to the Fee and Widows' Funds, the latter bearing Interest at } 4 per cent. per annum - - - - - | - | 2,012 |
| Ditto for Teas returned and re-sold - - - - - | - | 971 |
| Warrants passed the Court unpaid - - - - - | - | 29,426 |
| Dividends on Stock - - - - - | - | 47,706 |
| Interest on Bonds - - - - - | - | 28,567 |
| Amount due to the Trustees of Deccan Booty, on consignments from } India - - - - - | - | 10,762 |
| TOTAL COMMERCIAL DEBTS - - £. | | 1,029,324 |
| TERRITORIAL DEBTS - - - brought forward - - - | | 11,854,287 |
| Ditto - - ASSETS - - - ditto - - - | - | 1,074,810 |
| Territorial Assets deficient - - - | | 10,779,477 |
| COMMERCIAL DEBTS - - - brought down - - - | | 1,029,324 |
| Ditto - - ASSETS - - - ditto - - - | - | 21,187,669 |
| Commercial Assets in favour - - - | | 20,158,345 |
| Assets in favour - - - | | 9,378,868 |
| Amount of Company's Home Bond Debt, bearing Interest at 3 per } cent. per Annum - - - - - | - | 3,780,475 |
| Amount of - - - ditto - - - not bearing Interest - - - | - | 15,417 |
| TOTAL BOND DEBT - - - | | 3,795,892 |
| ASSETS in favour - - - | | 5,582,976 |

India Board, Westminster, }
28th February 1831. }

of the East India Company, with the Rates of Interest—*continued.*

| ASSETS— <i>continued.</i> | | 1829-30. |
|---|--|------------|
| COMMERCIAL: | | £. |
| Due from Government - - - - - | | 1,207,560 |
| Cash balance - - - - - | | 296,310 |
| Goods sold and not paid for - - - - - | | 803,221 |
| Goods in England unsold - - - - - | | 4,653,040 |
| Cargoes not arrived in India and China - - - - - | | 522,407 |
| Exports shipped and remaining - - - - - | | 671,690 |
| Impress, &c. paid to owners - - - - - | | 102,050 |
| Value of Ships, Sloops, &c. at home - - - - - | | 211,481 |
| Value of East India House and Warehouses - - - - - | | 1,294,768 |
| Due from sundry Persons for advances, &c. - - - - - | | 6,495 |
| * Territorial Branch for Territorial Payments made in England from 1st May 1814 (including Interest) - - - - - | | 10,602,124 |
| Balances in hands of Officers of House and Warehouses - - - - - | | 5,810 |
| Value of Stock in the Public Funds in the Company's name - - - - - | | 810,713 |
| TOTAL COMMERCIAL ASSETS - - £. | | 21,187,669 |
| * <i>Memoranda.</i> —The Sums stated under this head are subject to reduction by Advances made in India to the Commercial Branch in the Indian official Years 1828/29 and 1829/30, which were not brought to Account in England at the close of the year 1829/30, but when estimated, were as follows, and the Balance due to Commerce was diminished accordingly - - - - - | | 6,561,220 |
| Amount set apart from surplus Commercial Profits for liquidation of Debt subsequent to 1st May 1814, and not deemed repayable by the Territory - - - - - | | 4,998,798 |

(Errors excepted.)

W^m Leach.

(CONTINUATION of Account, No. 27, Parl Paper, No. 28, presented by His late Majesty's Command,
9th February 1830.)

No. 27.—AN ACCOUNT of the SALE AMOUNT of the COMPANY'S, the PRIVATE
TRADE, and the NEUTRAL and PRIZE GOODS, &c. sold by the *East India Company*
in the Year 1829-30.

| | | | | | | | | | | | 1829-30. |
|--|---|---|---|---|---|---|---|---|---|---|--------------|
| COMPANY'S GOODS. | | | | | | | | | | | £. |
| Teas | - | - | - | - | - | - | - | - | - | - | 3,038,374 |
| Bengal Piece Goods | - | - | - | - | - | - | - | - | - | - | 87,867 |
| Coast and Surat ditto | - | - | - | - | - | - | - | - | - | - | 98,329 |
| Raw and Organzine Silk | - | - | - | - | - | - | - | - | - | - | 529,610 |
| Nankeens | - | - | - | - | - | - | - | - | - | - | — |
| Pepper | - | - | - | - | - | - | - | - | - | - | — |
| Saltpetre | - | - | - | - | - | - | - | - | - | - | 41,985 |
| Spices | - | - | - | - | - | - | - | - | - | - | — |
| Indigo | - | - | - | - | - | - | - | - | - | - | 209,718 |
| Cotton Wool | - | - | - | - | - | - | - | - | - | - | 10,738 |
| Drugs, Sugar, Coffee, &c. | - | - | - | - | - | - | - | - | - | - | 177,487 |
| TOTAL COMPANY'S GOODS | | | | | | | | | | | £. 4,194,108 |
| On Account of His Majesty's Government | | | | | | | | | | | Nil. |
| LICENSED and PRIVATE TRADE GOODS : | | | | | | | | | | | |
| Teas | - | - | - | - | - | - | - | - | - | - | 255,692 |
| Piece Goods | - | - | - | - | - | - | - | - | - | - | 113,926 |
| Raw Silk | - | - | - | - | - | - | - | - | - | - | 337,749 |
| Nankeens | - | - | - | - | - | - | - | - | - | - | 102,626 |
| Pepper | - | - | - | - | - | - | - | - | - | - | 8,038 |
| Saltpetre | - | - | - | - | - | - | - | - | - | - | 34,184 |
| Spices | - | - | - | - | - | - | - | - | - | - | — |
| Indigo | - | - | - | - | - | - | - | - | - | - | 1,118,830 |
| Cotton Wool | - | - | - | - | - | - | - | - | - | - | 8,987 |
| Drugs, Sugar, Coffee, &c. | - | - | - | - | - | - | - | - | - | - | 233,415 |
| TOTAL LICENSED and PRIVATE TRADE GOODS | | | | | | | | | | | 2,213,447 |
| NEUTRAL and PRIZE GOODS | | | | | | | | | | | Nil. |
| GRAND TOTAL | | | | | | | | | | | £. 6,407,555 |

(Errors excepted.)

India Board, Westminster, }
28th February 1831.

W^m Leach.

EAST INDIA FINANCE.

FURTHER RETURN to an Order of The Honourable
House of Commons, dated 3 February 1831;—*for*,

A CONTINUATION (to the latest Period to which they
can be made up) of all Accounts relating to the Trade
of India and China, and to the *Finances of India*, which
were presented to The House by His Majesty's
Command, in the Years 1829 and 1830; and also, of all
such further Accounts relating to the same matters, which
have been ordered by The House during the last Year.

*Ordered, by The House of Commons, to be Printed,
2 March 1831.*

EAST INDIA FINANCE.

FURTHER RETURN to an Order of The Honourable the House of Commons,
dated 3 February 1831;—*for*,

A CONTINUATION (to the latest period to which they can be made up)
of all ACCOUNTS relating to the TRADE of *India* and *China*, and to the
FINANCES of *India*, which were presented to The House by HIS MAJESTY'S
COMMAND, in the Years 1829 and 1830; and also, of all such further
ACCOUNTS relating to the same matters, which have been ordered by
The House during the last Year.

Ordered, by The House of Commons, to be Printed,
7 March 1831.

L I S T.

(In CONTINUATION of Accounts bearing similar Nos. in Parl. Paper, No. 285,
presented by Command of His late Majesty in 1829.)

No.

- 1.—AN ACCOUNT of the Annual Value of the TRADE between the Subjects of Great Britain and China in the Years 1827–28, 1828–29, and 1829–30 - - - p. 3
 - 5.—STATEMENT of the Value of IMPORTS into, and EXPORTS from, the Territories subject to the Presidencies of Fort William, Fort St. George and Bombay, by Sea, in the Years 1827–28 and 1828–29, exclusive of the Trade of The East India Company; (extracted from the Reports of External Commerce received from Bengal, Madras and Bombay respectively) - - - - - p. 3
 - 6.—AN ACCOUNT of the Value of IMPORTS into the several Presidencies of India from the United Kingdom, and of EXPORTS from India to the United Kingdom, in the Years 1827–28 and 1828–29, exclusive of Exports and Imports on account of The East India Company; (extracted from the Reports of External Commerce) - - - p. 4
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 - 25.—AN ACCOUNT of the Value of IMPORTS into, and EXPORTS from, the Port of Canton, by the Subjects of the United States of America, in the Years 1827–28 and 1828–29, p. 5
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 - 29.—AN ACCOUNT of the Value and Quantity of CARGOES imported into Canton and Macao, on the Tonnage employed annually in the COUNTRY TRADE between the different Ports of British India and Canton and Macao, specifying particularly the Quantities and Value of RAW COTTON and OPIUM, in the Years 1828–29 and 1829–30 - - - p. 7
-

EAST INDIA FINANCE.

No. 1.—AN ACCOUNT of the Annual Value of the TRADE between the Subjects of *Great Britain* and *China*, in the following Years.

(*In continuation of an Account, No. 1, presented by His late Majesty's Command in June 1829.*)

| | Value of Exports and Imports between India and China : | | TOTAL. | Value of Exports and Imports between England and China, on account of The Company. | Total Value of the British Trade with China. | Value of Trade of Individuals with China. | Value of Trade of The Company with China. |
|-------------|---|----------------------------------|-----------|---|---|--|--|
| | On account of Individuals. | On account of The Company. | | | | | |
| | £. | £. | | £. | £. | £. | £. |
| 1827-28 - - | 4,951,678 | 376,247 | 5,327,925 | 2,836,397 | 8,164,322 | 4,951,678 | 3,212,644 |
| 1828-29 - - | 3,795,966 | 433,388 | 4,229,354 | 2,517,726 | 6,747,080 | 3,795,966 | 2,951,114 |
| 1829-30 - - | - - - | 308,767 | - - - | 2,490,947 | - - - | - - - | 2,799,714 |

THE Statements from India for 1829-30 are not yet received.

East India House, }
28th February 1831.

(Errors excepted.)

Jos. Thompson.

No. 5.—STATEMENT of the Value of IMPORTS into, and EXPORTS from, the Territories subject to the Presidencies of *Fort William*, *Fort St. George* and *Bombay*, by Sea, in the following Years, exclusive of the Trade of *The East India Company*; (extracted from the Reports of *External Commerce* received from *Bengal*, *Madras* and *Bombay* respectively.)

(*In continuation of an Account, No. 5, presented by His late Majesty's Command in June 1829.*)

| | VALUE IMPORTS. | | | VALUE EXPORTS. | | | TOTAL VALUE. |
|-------------|----------------|-------------|-------------|----------------|-----------|-------------|-----------------|
| | Merchandise. | Treasure. | TOTAL. | Merchandise. | Treasure. | TOTAL. | |
| | Rupees. | Rupees. | Rupees. | Rupees. | Rupees. | Rupees. | |
| 1827-28 - - | 6,24,22,924 | 2,88,67,300 | 9,12,90,224 | 8,19,78,794 | 30,97,741 | 8,50,76,535 | 17,63,66,759 |
| 1828-29 - - | 6,48,47,455 | 2,05,43,241 | 8,53,90,696 | 7,78,79,660 | 44,94,480 | 8,23,74,140 | 16,77,64,836 |

East India House, }
28th February 1831.

(Errors excepted.)

Jos. Thompson.

No. 6.—AN ACCOUNT of the Value of IMPORTS into the several Presidencies of India from the United Kingdom, and of EXPORTS from India to the United Kingdom, in the following Years, exclusive of Exports and Imports on account of The East India Company; (extracted from the Reports of External Commerce.)

(In continuation of an Account, No. 6, presented by His late Majesty's Command in June 1829.)

| | IMPORTS. | | | EXPORTS. | | | TOTAL IMPORTS and EXPORTS. |
|-------------|--------------|-----------|-------------|--------------|-----------|-------------|-------------------------------------|
| | Merchandise. | Treasure. | TOTAL. | Merchandise. | Treasure. | TOTAL. | |
| | Rupees. | Rupees. | Rupees. | Rupees. | Rupees. | Rupees. | |
| 1827-28 - - | 2,94,19,745 | 81,660 | 2,95,01,405 | 2,00,86,960 | 19,31,674 | 2,20,18,634 | 5,15,20,039 |
| 1828-29 - - | 3,31,97,100 | 26,843 | 3,32,23,943 | 2,08,90,489 | 33,65,238 | 2,42,55,727 | 5,74,79,670 |

East India House, }
28th February 1831.

(Errors excepted.)

Jos. Thompson.

No. 7.—AN ACCOUNT of the Value of the TRADE between the Eastern Islands and India, in the following Years.

(In continuation of an Account, No. 7, presented by His late Majesty's Command in June 1829.)

| | IMPORTED INTO INDIA. | | | EXPORTED FROM INDIA. | | |
|-------------|----------------------|-----------|-----------|----------------------|-----------|-----------|
| | Merchandise. | Treasure. | TOTAL. | Merchandise. | Treasure. | TOTAL. |
| | Rupees. | Rupees. | Rupees. | Rupees. | Rupees. | Rupees. |
| 1827-28 - - | 33,98,375 | 31,61,492 | 65,59,867 | 69,33,159 | 44,132 | 69,77,291 |
| 1828-29 - - | 35,06,184 | 21,36,948 | 56,43,132 | 76,97,108 | 20,125 | 77,17,233 |

East-India House, }
28th February 1831.

(Errors excepted.)

Jos. Thompson.

Mem.—In the Account No. 7, presented in June 1829, there is an Error in the Year 1826-27. The particulars of that Year are stated as under, together with a corrected Statement of the same.

| | IMPORTED INTO INDIA. | | | EXPORTED FROM INDIA. | | |
|---|----------------------|-----------|-------------|----------------------|-----------|-----------|
| | Merchandise. | Treasure. | TOTAL. | Merchandise. | Treasure. | TOTAL. |
| | Rupees. | Rupees. | Rupees. | Rupees. | Rupees. | Rupees. |
| Statement of the Trade between India and the Eastern Islands for the Year 1826-27, per No. 7. | 30,15,270 | 82,19,610 | 1,12,34,880 | 44,14,534 | 2,17,600 | 46,32,134 |
| Corrected Statement of the same | 35,32,182 | 44,36,860 | 79,69,042 | 61,32,354 | 28,748 | 61,61,102 |

| | | |
|-----------------|-----|--------------------|
| No. 7. TOTAL | - - | 1,12,34,880 |
| | | 46,32,134 |
| | | <u>1,58,67,014</u> |
| CORRECTED TOTAL | - | 79,69,042 |
| | | 61,61,102 |
| | | <u>1,41,30,144</u> |
| DIFFERENCE | - - | 17,36,870 |

No. 25.—AN ACCOUNT of the Value of IMPORTS into, and EXPORTS from, the Port of Canton, by the Subjects of the United States of America, in the following Years.

(In continuation of an Account, No. 25, presented by His late Majesty's Command in June 1829.)

| | IMPORTS INTO CHINA. | | | EXPORTS from CHINA. | TOTAL VALUE IMPORTS and EXPORTS. |
|-------------|-------------------------------|--------------------------|-----------------|---------------------------|--|
| | SALE VALUE Merchandise. | Number of Dollars. | TOTAL VALUE. | TOTAL VALUE. | |
| | <i>Dollars.</i> | | <i>Dollars.</i> | <i>Dollars.</i> | <i>Dollars.</i> |
| 1827-28 - - | 3,598,488 | 2,640,300 | 6,238,788 | 6,559,925 | 12,798,713 |
| 1828-29 - - | 2,642,369 | 731,200 | 3,373,569 | 4,552,200 | 7,925,769 |

In the printed ACCOUNT No. 25, the Year 1820-21 was not stated, the particulars of that Year not having been received. Recently those particulars have been received, and are as follow :

| | | | | | |
|-------------|-----------|-----------|-----------|-----------|-----------|
| 1820-21 - - | 1,465,500 | 2,569,500 | 4,035,000 | 4,088,000 | 8,123,000 |
|-------------|-----------|-----------|-----------|-----------|-----------|

East India House,
28th February 1831.

(Errors excepted.)

Jos. Thompson.

No. 26.—AN ACCOUNT of the EXPORTS from Canton by the Americans, intended for American Consumption, in the following Years.

(In continuation of an Account, No 26, presented by His late Majesty's Command in June 1829.)

| | TEA. | NANKEENS. | RAW and SEWING SILK. | SILK GOODS, &c. | SUGAR. |
|-------------|-----------------------|----------------|----------------------------|--------------------|----------------|
| | <i>Pounds weight.</i> | <i>Pieces.</i> | <i>Peculs.</i> | <i>Pieces.</i> | <i>Peculs.</i> |
| 1827-28 - - | 8,840,933 | 619,182 | 431 $\frac{1}{2}$ | 420,494 | 2,100 |
| 1828-29 - - | 6,766,266 | 392,900 | 212 | 211,309 | 2,243 |

| CASSIA. | SPECIE. | VALUE. | SUNDRIES. | TOTAL VALUE. |
|----------------|-----------------------|-----------------|-----------------------|-----------------|
| <i>Peculs.</i> | <i>Value Dollars.</i> | <i>Dollars.</i> | <i>Value Dollars.</i> | <i>Dollars.</i> |
| 6,729 | — | 5,866,608 | 160,297 | 6,026,905 |
| 2,916 | — | 3,339,786 | 67,694 | 3,407,480 |

East India House,
28th February 1831.

(Errors excepted.)

Jos. Thompson.

No. 27.—AN ACCOUNT of the EXPORTS from *Canton* by the *Americans*, intended for *European Consumption*, in the following Years.

(In continuation of an Account, No. 27, presented by His late Majesty's Command in June 1829.)

| | TEA. | NANKEENS. | RAW SILK. | SILK GOODS, &c. |
|---------------|--|----------------|----------------|--------------------|
| | <i>Pounds Weight.</i> | <i>Pieces.</i> | <i>Peculs.</i> | <i>Pieces.</i> |
| 1827-28 - - - | - - - | - - - | - - - | - - - |
| 1828-29 - - - | - - - | - - - | - - - | - - - |
| | Particulars of this year not received. | | | |
| | 3,084,800 | 60,000 | 260 | |

| SUGAR. | CASSIA. | VALUE. | SUNDRIES. | TOTAL VALUE. |
|----------------|----------------|-----------------|-----------------------|-----------------|
| <i>Peculs.</i> | <i>Peculs.</i> | <i>Dollars.</i> | <i>Value Dollars.</i> | <i>Dollars.</i> |
| - - - | - - - | - - - | - - - | 533,020 |
| 2,400 | 1,787 | 1,137,580 | 7,140 | 1,144,720 |

East India House,
28th February 1831.

(Errors excepted.)

Jos. Thompson.

No. 28.—STATEMENT of the Number of FURS imported into *China* by the *Americans*, in the following Years.

(In continuation of an Account, No. 28, presented by His late Majesty's Command in June 1829.)

| | SEA OTTER SKINS. | SEAL SKINS. | NEUTRA SKINS. | BEAVER SKINS. | FOX SKINS. |
|---------------|---------------------|-------------|------------------|------------------|------------|
| 1827-28 - - - | 1,082 | 39,546 | - - - | 5,143 | 16,763 |
| 1828-29 - - - | 2,120 | 28,285 | - - - | 6,127 | 30,292 |

| LAND OTTER SKINS. | RABBIT SKINS. | SABLE SKINS. | MUSK RAT SKINS. | TOTAL SKINS. |
|----------------------|------------------|--------------|--------------------|-----------------|
| 18,938 | - - - | - - - | - - - | 81,472 |
| 16,354 | - - - | - - - | - - - | 83,178 |

East India House,
28th February 1831.

(Errors excepted)

Jos. Thompson.

No. 29.—AN ACCOUNT of the Value and Quantity of CARGOES imported into Canton and Macao, on the Tonnage employed annually in the COUNTRY TRADE, between the different Ports of British India and Canton and Macao, specifying particularly the Quantities and Value of RAW COTTON and OPIUM, in the following Years.

(In continuation of an Account, No. 29, presented by His late Majesty's Command in June 1829.)

| DESCRIPTION OF ARTICLES. | 1828/29. | | 1829/30. | |
|---|---|----------------|---|----------------|
| | QUANTITY. | VALUE DOLLARS. | QUANTITY. | VALUE DOLLARS. |
| Cotton - - - - - | <i>peculs</i> 325,530 | 3,767,340 | <i>peculs</i> 256,313 | 3,335,760 |
| Opium - - - - - | <i>chests</i> 11,409 | 10,908,852 | <i>chests</i> 15,643 | 13,468,924 |
| Tin - - - - - | <i>peculs</i> 5,737 <i>boxes</i> 550 | 120,415 | <i>peculs</i> 5,954 <i>boxes</i> 497 | 115,367 |
| Iron - - - - - | <i>peculs</i> 401 | 1,604 | <i>peculs</i> 2,792 | 11,168 |
| Lead - - - - - | - 1,193 | 6,859 | - 2,701 | 13,525 |
| Steel - - - - - | - | - | - | - |
| Cutlery - - - - - | - | - | - | - |
| Pepper - - - - - | <i>peculs</i> 3,750 | 26,250 | <i>peculs</i> 24,211 | 169,477 |
| Spices - - - - - | - | 9,050 | - 442 | 16,796 |
| Rattans - - - - - | <i>peculs</i> 18,463 | 73,852 | - 28,911 | 86,733 |
| Betel Nut - - - - - | - 32,914 | 90,513 | - 43,409 | 97,670 |
| Putchuck - - - - - | - 1,213 | 19,408 | - 1,569 | 16,082 |
| Sharks' Fins, Fish Maws, and Stock } Fish, &c. - - - - - } | - 6,605 | 152,090 | - 7,718 | 150,902 |
| Sandal Wood and Ebony - - - | - 9,892 | 197,840 | - 16,597 | 248,955 |
| Black and Red Wood - - - | - 6,378 | 31,890 | - 8,118 | 24,354 |
| Saltpetre - - - - - | - 120 | 720 | - 3,990 | 43,890 |
| Ivory - - - - - | - 694 | 48,580 | - 358 | 22,196 |
| Quicksilver - - - - - | - 55 | 4,015 | - 117 | 8,190 |
| Pearls, Cornelians, Coral and } Amber - - - - - } | - - - | 376,806 | - - - | 266,023 |
| Glassware and Window Glass - | - | - | - | - |
| Broad Cloth - - - - - | <i>pieces</i> 2,519 | 75,570 | <i>pieces</i> 1,942 | 64,086 |
| Camlets - - - - - | - 600 | 19,800 | - 551 | 16,530 |
| Long Ells, &c. - - - - - | - 1,000 | 8,000 | - | - |
| Indian Piece Goods - - - - - | - | - | - | - |
| Cotton Goods and Cotton Yarn - | - - - | 185,022 | - - - | 55,329 |
| Handkerchiefs - - - - - | - | - | - | - |
| Skins - - - - - | - - - | - | - - - | 7,660 |
| Flints - - - - - | - | - | - | - |
| Myrrh - - - - - | <i>peculs</i> 204 | 4,410 | - | - |
| Olibanum - - - - - | - 327 | 1,635 | <i>peculs</i> 2,447 | 9,788 |
| Prussian Blue - - - - - | - | - | - | - |
| Smalts - - - - - | - | - | - | - |
| Cutch - - - - - | <i>peculs</i> 2,435 | 12,175 | - | - |
| Cochineal - - - - - | - 84 | 46,620 | <i>peculs</i> 46½ | 19,809 |
| Camphor - - - - - | - | - | - | - |
| Sticklac - - - - - | - | - | - | - |
| Cudbear - - - - - | - | - | - | - |
| Dragons' Blood - - - - - | - | - | - | - |
| Gum Gogal - - - - - | - | - | - | - |
| Birds' Nests - - - - - | - | - | - | - |
| Ginseng - - - - - | - | - | - | - |
| Beche de Mer - - - - - | - | - | - | - |
| Teak - - - - - | - | - | - | - |
| Rice - - - - - | - - - | 14,100 | <i>peculs</i> 4,322 | 6,483 |
| Straits' produce, &c. (not separated) | - | - | - | - |
| Dollars - - - - - | - - - | - | - - - | 35,000 |
| Sundry Articles (not enumerated) - | - - - | 169,812 | - - - | 136,450 |
| | - | 16,373,228 | - | 18,447,147 |

East India House, }
28th February 1831. }

(Errors excepted.)

Jos. Thompson.

EAST INDIA FINANCE.

FURTHER RETURN to an Order of The Honourable the
House of Commons, dated 3 February 1831, —for,

A CONTINUATION (to the latest period to which they
can be made up) of all Accounts relating to the TREASURY
of India and China, and to the FINANCES of India, which
were presented to The House by His Majesty's
Command, in the Years 1829 and 1830; and also, of all
such further Accounts relating to the same matters, which
have been ordered by The House during the last Year.

Ordered, by The House of Commons, to be Printed,
7 March 1831.

EAST INDIA FINANCE.

FURTHER RETURNS to an Order of The Honourable House of Commons,
dated 3 February 1831;—*for*,

A CONTINUATION (to the latest Period to which they can be made up) of all ACCOUNTS relating to the TRADE of *India* and *China*, and to the FINANCES of *India*, which were presented to The House by HIS MAJESTY'S COMMAND, in the Years 1829 and 1830; and also, of all such further ACCOUNTS relating to the same matters, which have been ordered by The House during the last Year.

Ordered, by The House of Commons, to be Printed,
7 March 1831.

LIST.

37.—AN ACCOUNT of Imports and Exports between Great Britain and all Places to the Eastward of the Cape of Good Hope (excepting China); distinguishing the Articles and the Value, and the Private Trade from that of The East India Company, in the Year 1829.—(*In continuation of an Account, No 37. Parl. Paper, No. 22. Sess. 1830.*) - - - p. 3

38.—AN ACCOUNT of all Goods Imported into Great Britain from the East Indies and China, (exclusive of the Mauritius), in the Year ending 5th January 1830; specifying the Quantity and Value of the principal Articles imported.—(*In continuation of an Account No. 38. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 19

39.—AN ACCOUNT of all Goods Exported from Great Britain to the East Indies and China, (exclusive of Mauritius,) in the Year ending 5th January 1830.—(*In continuation of an Account, No. 39. Parl. Paper, No. 22. Sess. 1830.*) - - - - - p. 20

STATEMENT of the several Articles of British Produce and Manufacture exported in American Vessels to China, and to the East Indies, in the Year 1830; together with the Official and Declared Value of each Article - - - - - p. 22

43.—AN ACCOUNT of the Quantity of Tea exported from Great Britain to Foreign Europe, to British Colonies and Possessions, and to all other Parts, in the Year ended 5th January 1830.—(*In continuation of an Account, No. 43. Parl. Paper, No. 22. Sess. 1830.*) - - - p. 26

— No. 37. —

AN ACCOUNT of IMPORTS and EXPORTS between GREAT BRITAIN and all Places to the EASTWARD of the CAPE OF GOOD HOPE (excepting *China*;) distinguishing the Articles and the Value, and the PRIVATE TRADE from that of The EAST INDIA COMPANY, in the Year 1829.

(In continuation of an Account, No. 37, presented by His late Majesty's Command in 1830.)

| | VALUE of IMPORTS into Great Britain, from all Places Eastward of the Cape of Good Hope (except <i>China</i> ,) according to the Prices at the East India Company's Sales. | | | VALUE of EXPORTS from Great Britain to all Places Eastward of the Cape of Good Hope (except <i>China</i> ,) according to the Declarations of the Exporters. | | |
|----------|---|----------------|----------------|---|----------------|----------------|
| | By The East India Company. | Private Trade. | TOTAL IMPORTS. | By The East India Company. | Private Trade. | TOTAL EXPORTS. |
| | £. | £. | £. | £. | £. | £. |
| 1829 - - | 1,593,442 | 4,624,842 | 6,218,284 | 434,586 | 3,665,678 | 4,100,264 |

Inspector General's Office,
Custom House, London,
12 February 1831. }

WILLIAM IRVING,
Inspector-General of Imports and Exports.

[For the Distinction of the various Articles Imported and Exported, see the following pages.]

No. 37. *continued.*—IMPORTS into GREAT BRITAIN from all Places Eastward of the CAPE OF

| | 1. | 2. | 3. | | | 4. | 5. | | | 6. | | |
|----------|----------------|----------------|----------------------------|----------------|--------|----------------|----------------------------|----------------|---------|---|----------------|-----------|
| | ALOES. | ASAFŒTIDA. | BENJAMIN. | | | BORAX. | CAMPHIRE, UNREFINED. | | | CANES, <i>Viz.</i> RATTANS (not ground.) | | |
| | Private Trade. | Private Trade. | By the East India Company. | Private Trade. | TOTAL. | Private Trade. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Number. | Number. | Number. |
| 1820 - - | 59,779 | 25,497 | - - | 19,297 | 19,297 | 153,271 | - - | 538,479 | 538,479 | - - | 7,289,611 | 7,289,611 |

| 12. | | | 13. | | | | | | |
|----------------------------|----------------|-----------|-----------------------------|----------------|---------|--------------------------------|----------------|---------|-----------------|
| COFFEE. | | | COTTON PIECE GOODS. | | | | | | |
| | | | WHITE CALICOES and MUSLINS. | | | DYED COTTONS and GRASS CLOTHS. | | | NANQUIN CLOTHS. |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | Private Trade. |
| Lbs. | Lbs. | Lbs. | Pieces. | Pieces. | Pieces. | Pieces. | Pieces. | Pieces. | Pieces. |
| - - | 6,335,257 | 6,335,257 | 289,294 | 1,381 | 290,675 | 77,322 | 101,066 | 178,388 | 776,669 |

| 19. | | | | | | | | | 20. | | |
|-------------------------|----------------|-------------------------------|----------------|---------|----------------------------|----------------|---------|----------|--|----------------|--------|
| GUM. | | | | | | | | | HEMP and other VEGETABLE SUBSTANCES applicable to the same purposes as Hemp. | | |
| ANIMI, AND COPAL. | ARABIC. | LACDYE, LACLAKE, and CAKELAC. | | | SHELLAC AND SEEDLAC. | | | STICLAC. | | | |
| Private Trade. | Private Trade. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Lbs. | Cwts. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Cwts. | Cwts. | Cwts. |
| 234,908 | 3,746 | - - | 590,721 | 590,721 | 12,186 | 713,594 | 725,780 | - - | - - | 26,430 | 26,430 |

GOOD HOPE (except CHINA,) in the Year 1830; distinguishing the principal ARTICLES.

| 7. CARDAMONS. | | | 8. CASSIA BUDS. | 9. CASSIA LIGNEA. | 10. CINNAMON. | | | 11. CLOVES. | | |
|----------------------------------|-------------------|--------|-----------------------|-------------------------|----------------------------------|-------------------|---------|----------------------------------|-------------------|--------|
| By the East India Company. | Private Trade. | TOTAL. | Private Trade. | Private Trade. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. |
| - | 31,948 | 31,948 | 85,944 | 814,529 | - | 543,933 | 543,933 | - | 36,061 | 36,061 |

-- *

| 14. COTTON WOOL. | | | 15. DYE AND HARDWOODS, Viz. | | 16. Elephants' Teeth. | 17. GALLS. | 18. GINGER. | | |
|----------------------------------|-------------------|------------|-----------------------------------|-------------------|-----------------------------|-------------------|----------------------------------|-------------------|--------|
| By the East India Company. | Private Trade. | TOTAL. | EBONY. | RED SAUNDERS. | Private Trade. | Private Trade. | By the East India Company. | Private Trade. | TOTAL. |
| | | | Private Trade. | Private Trade. | | | | | |
| Lbs. | Lbs. | Lbs. | Tons. | Tons. | Cwts. | Cwts. | Cwts. | Cwts. | Cwts. |
| 1,050,690 | 23,873,720 | 24,924,410 | 419 | 150 | 1,291 | 735 | 813 | 4,104 | 4,917 |

-- +

| 21. HIDES (Untanned) | 22. INDIGO. | | | 23. MACE. | | | 24. MADDER ROOT, or MUNJEET. | 25. MOTHER O'PEARL SHELLS, (Rouen.) | 26. MUSK. |
|----------------------------|----------------------------------|-------------------|-----------|----------------------------------|-------------------|--------|--|---|-------------------|
| Private Trade. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | Private Trade. | Private Trade. | Private Trade. |
| Cwts. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Lbs. | Cwts. | Lbs. | Ounces. |
| 3,605 | 806,535 | 5,173,677 | 5,980,212 | - | 6,833 | 6,833 | 2,135 | 484,607 | 449 $\frac{1}{2}$ |

1820.

No. 37. continued.—IMPORTS into GREAT BRITAIN in the Year 1829—continued.

| | 27. | | | 28. | 29. | 30. | | | 31. | 32. | | | | |
|------|----------------------------------|-------------------|--------|-------------------|----------------------|----------------------------------|-------------------|----------|---------------------|----------------------------------|-------------------|--------|-----------|-----------|
| | NUTMEGS. | | | OIL, CASTOR. | OIL of COCOA NUT. | OIL of MACE and NUTMEGS. | | | OLIBANUM. | PEPPER of all Sorts. | | | | |
| | By the East India Company. | Private Trade. | TOTAL. | Private Trade. | Private Trade. | By the East India Company. | Private Trade. | TOTAL. | Private Trade. | By the East India Company. | Private Trade. | TOTAL. | | |
| | Lbs. | Lbs. | Lbs. | Lbs. | Cwts. | Lbs. oz. | Lbs. oz. | Lbs. oz. | Cwts. | Lbs. | Lbs. | Lbs. | | |
| 1829 | - | - | 37,022 | 37,022 | 301,488 | 3,247 | - | - | 219 - $\frac{3}{4}$ | 219 - $\frac{1}{4}$ | 4,672 | 17,698 | 1,988,881 | 2,006,579 |

| 40. | | | 41. | | | | | | | |
|----------------------------------|-------------------|-----------|---|-------------------|---------|------------------------|---|---|-------------------|---------|
| SILK ; RAW, WASTE and FLOSS. | | | SILK MANUFACTURES ; Vis. | | | | | | | |
| | | | BANDANNOES, HANDKERCHIEFS, and ROMALS. | | | CRAPE in PIECES. | CRAPE, Shawls, Scarfs, Gown Pieces, and Handker- chiefs. | TAFFATIES, and other SILKS, in PIECES. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | Private Trade. | Private Trade. | By the East India Company. | Private Trade. | TOTAL. |
| Lbs. | Lbs. | Lbs. | Pieces. | Pieces. | Pieces. | Pieces. | Number. | Pieces. | Pieces. | Pieces. |
| 1,067,677 | 1,048,919 | 2,116,596 | 55,614 | 40,935 | 95,849 | - - | 16,985 | 4,579 | 2,108 | 6,687 |

| 47. | 48. | 49. | | | |
|----------------|----------------|----------------------------|----------------|--------------|----------|
| TURMERIC. | VERMILLION. | OTHER ARTICLES. | | | |
| Private Trade. | Private Trade. | By the East India Company. | Private Trade. | TOTAL. | |
| Lbs. | Lbs. | Value. £. | Value. £. | Value. £. | |
| 1,111,068 | 243 | 163 | 182,173 | 182,336 | - - 1829 |

| 33. | 34. | | | 35. | 36. | 37. | 38. | | | 39. |
|----------------|----------------------------|----------------|---------|-------------------------|----------------|----------------|----------------------------|----------------|---------|----------------|
| RHUBARB. | RICE not in the Husk. | | | RICE in the Husk. | SAFFLOWER. | SAGO. | SALTPETRE. | | | SENNA. |
| Private Trade. | By the East India Company. | Private Trade. | TOTAL. | Private Trade. | Private Trade. | Private Trade. | By the East India Company. | Private Trade. | TOTAL. | Private Trade. |
| Lbs. | Cwts. | Cwts. | Cwts. | Bushels. | Cwts. | Cwts. | Cwts. | Cwts. | Cwts. | Lbs. |
| 127,443 | 1,967 | 190,399 | 192,366 | 61,835 $\frac{1}{2}$ | 2,689 | 446 | 61,353 | 115,150 | 176,503 | 105,619 |

-- *

| 42. | 43. | | | 44. | | | 45. | 46. |
|----------------|----------------------------|-------------------|-------------------|----------------------------|----------------|---------|----------------|-----------------------------|
| SOAP. | SPIRITS, viz. ARRACK. | | | SUGAR, UNREFINED. | | | TIN. | TORTOISE-SHELL, (Rouon). |
| Private Trade. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | Private Trade. | Private Trade. |
| Cwts. | Imperial Gallons. | Imperial Gallons. | Imperial Gallons. | Cwts. | Cwts. | Cwts. | Cwts. | Lbs. |
| - - - | - - - | 22,108 | 22,108 | 120,475 | 376,634 | 497,109 | 1,863 | 34,418 |

-- +

TOTAL VALUE of the IMPORTS into GREAT BRITAIN, from all Places Eastward of the Cape of Good Hope (except CHINA), according to the Prices at the EAST INDIA COMPANY'S Sales.

| — | By the East India Company. | Private Trade. | TOTAL. | — |
|---------------|----------------------------|----------------|-----------|----------|
| | £. | £. | £. | |
| YEAR 1829 - - | 1,593,442 | 4,624,842 | 6,218,284 | - - 1829 |

No. 37. *continued.*—EXPORTS from GREAT BRITAIN to all Places Eastward of the CAPE of

| | 1. | | | 2. | | | 3. - - - - - | | |
|----------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|
| | APOTHECARY WARES. | | | APPAREL. | | | BEER AND ALE. - - - | | |
| | DECLARED VALUE. | | | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | |
| | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| | £. | £. | £. | £. | £. | £. | Tons. | Tons. | Tons. |
| 1829 - - | 11,520 | 10,922 | 22,442 | 2,944 | 23,609 | 26,553 | 9 | 4,227 | 4,296 |

| 5. | | | | | | 6. | | |
|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|---|-------------------|--------|
| B R A S S . | | | | | | C A B I N E T A N D U P H O L S T E R Y W A R E S . | | |
| QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Cwts. | Cwts. | Cwts. | £. | £. | £. | £. | £. | £. |
| 83 | 380 | 463 | 748 | 3,259 | 4,007 | 8 | 4,184 | 4,192 |

| 9. | | | | | | 10. | | |
|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|---------------------------------------|-------------------|--------|
| C O C H I N E A L . | | | | | | C O L O U R S F O R P A I N T E R S . | | |
| QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Lbs. | Lbs. | Lbs. | £. | £. | £. | £. | £. | £. |
| - | 38,107 | 38,107 | - | 19,054 | 19,054 | 2,666 | 14,617 | 17,283 |

GOOD HOPE (except CHINA,) in the Year 1829; distinguishing the principal ARTICLES.

| 3. BEER AND ALE. | | | 4. BOOKS, PRINTED. | | | | | |
|----------------------------|----------------|--------|----------------------------|----------------|--------|----------------------------|----------------|--------|
| DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| £. | £. | £. | Cwts. | Cwts. | Cwts. | £. | £. | £. |
| 195 | 95,671 | 95,866 | 141 | 1,099 | 1,240 | 3,815 | 30,481 | 34,296 |

| 7. CARRIAGES. | | | | | | 8. COALS. | | | | | |
|----------------------------|----------------|---------|----------------------------|----------------|--------|----------------------------|----------------|--------|----------------------------|----------------|--------|
| QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Number. | Number. | Number. | £. | £. | £. | Tons. | Tons. | Tons. | £. | £. | £. |
| - | 259 | 259 | - | 19,122 | 19,122 | 1,676 | 957 | 2,633 | 1,214 | 645 | 1,859 |

| 11. COPPER, UNWROUGHT, in BRICKS and PIGS. | | | | | | 12. COPPER, WROUGHT, OF ALL SORTS. | | | | | |
|---|----------------|--------|----------------------------|----------------|---------|---------------------------------------|----------------|--------|----------------------------|----------------|---------|
| QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Cwts. | Cwts. | Cwts. | £. | £. | £. | Cwts. | Cwts. | Cwts. | £. | £. | £. |
| 8,000 | 35,768 | 43,768 | 36,843 | 160,412 | 197,255 | 4,899 | 36,751 | 41,650 | 24,777 | 181,319 | 206,096 |

1829.

No. 37. *continued.*—EXPORTS from GREAT BRITAIN in the Year 1829—*continued.*

| | 13. | | | | | | 14. - - - | | |
|----------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|----------------------------------|-------------------|------------|
| | CORDAGE. | | | | | | COTTON MANUFACTURES (BRITISH) - | | |
| | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | |
| | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| | Cwts. | Cwts. | Cwts. | £. | £. | £. | Yards. | Yards. | Yards. |
| 1829 - - | 2,045 | 2,070 | 4,115 | 4,785 | 4,832 | 9,617 | 250 | 26,218,266 | 26,218,516 |

| 16. | | | | | | 17. - - - - | | |
|---|-------------------|-----------|----------------------------------|-------------------|---------|-----------------------------------|-------------------|---------|
| COTTON MANUFACTURES (BRITISH,) <i>Viz.</i> MUSLINS, &c. WHITE or PLAIN. | | | | | | MUSLINS; <i>Viz.</i> PRINTED, - - | | |
| QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Yards. | Yards. | Yards. | £. | £. | £. | Yards. | Yards. | Yards. |
| - - | 6,675,415 | 6,675,415 | - - | 239,885 | 239,885 | - - | 108,314 | 108,314 |

| 20. | | | | | | 21. - - - - | | |
|----------------------------------|-------------------|-----------|----------------------------------|-------------------|---------|-----------------------------------|--------------------|--------------------|
| COTTON-TWIST AND YARN. | | | | | | COTTON MANUFACTURES:—FOREIGN. - - | | |
| QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Lbs. | Lbs. | Lbs. | £. | £. | £. | Sqr. Yds. & Value. | Sqr. Yds. & Value. | Sqr. Yds. & Value. |
| 1 | 2,927,475 | 2,927,476 | 1 | 200,551 | 200,552 | - - - | £. 41,103 & 545 | £. 41,103 & 545 |

| 14. | | | 15. | | | | | |
|------------------------------------|----------------|---------|--|----------------|------------|----------------------------|----------------|---------|
| Vis. CALICOES, &c. White or Plain. | | | CALICOES, &c. PRINTED, CHECKED, STAINED or DYED. | | | | | |
| DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| £. | £. | £. | Yards. | Yards. | Yards. | £. | £. | £. |
| 29 | 745,983 | 746,012 | 800 | 11,106,629 | 11,107,429 | 50 | 427,161 | 427,211 |

| 17. | | | 18. | | | 19. | | |
|----------------------------|----------------|--------|----------------------------|----------------|--------|--|----------------|-----------|
| CHECKED, STAINED or DYED. | | | HOSIERY and SMALL WARES. | | | AGGREGATE VALUE OF BRITISH COTTON MANUFACTURES EXPORTED. | | |
| DECLARED VALUE. | | | DECLARED VALUE. | | | | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| £. | £. | £. | £. | £. | £. | £. | £. | £. |
| - | 3,436 | 3,436 | 48 | 36,812 | 36,860 | 127 | 1,453,277 | 1,453,404 |

| 21. | | | 22. | | | | | |
|----------------------------|----------------|--------|----------------------------|----------------|-----------|----------------------------|----------------|--------|
| FOREIGN. | | | EARTHENWARE OF ALL SORTS. | | | | | |
| DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| £. | £. | £. | Pieces. | Pieces. | Pieces. | £. | £. | £. |
| - | 2,600 | 2,600 | 18,000 | 1,570,158 | 1,588,158 | 215 | 22,431 | 22,646 |

(continued.)

No. 37. *continued.*—EXPORTS from GREAT BRITAIN in the Year 1829—*continued.*

| | 23. | | | 24. | | | | | |
|------|----------------------------------|-------------------|---------|----------------------------------|-------------------|---------|----------------------------------|-------------------|--------|
| | GLASS. | | | GUNS AND PISTOLS. | | | | | |
| | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| | £. | £. | £. | Number. | Number. | Number. | £. | £. | £. |
| 1829 | 4,243 | 98,369 | 102,612 | 24,780 | 435 | 25,215 | 44,813 | 6,298 | 51,111 |

| 28. | | | | | | 29. | | |
|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|
| IRON, BAR AND BOLT. | | | | | | IRON, CAST | | |
| QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Tons. | Tons. | Tons. | £. | £. | £. | Cwts. | Cwts. | Cwts. |
| 863 | 11,277 | 12,140 | 9,846 | 89,133 | 98,979 | 15,095 | 83,541 | 98,636 |

| 31. | | | | | | 32. | | |
|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|
| LEAD AND SHOT. | | | | | | LEATHER AND SADDLERY. | | |
| QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Tons. | Tons. | Tons. | £. | £. | £. | £. | £. | £. |
| 58 | 1,190 | 1,248 | 1,158 | 18,752 | 19,910 | 4,824 | 28,620 | 33,444 |

| 25. HABERDASHERY AND MILLINERY. | | | 26. HARDWARES AND CUTLERY. | | | 27. HATS OF ALL SORTS. | | | | | |
|---------------------------------------|-------------------|--------|----------------------------------|-------------------|--------|----------------------------------|-------------------|---------|----------------------------------|-------------------|--------|
| DECLARED VALUE. | | | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| £. | £. | £. | £. | £. | £. | Dozens. | Dozens. | Dozens. | £. | £. | £. |
| 421 | 30,187 | 30,308 | 15,847 | 67,704 | 83,551 | 1,715 | 2,464 | 4,179 | 2,702 | 10,689 | 13,391 |

| 29. AND WROUGHT. | | | 30. LACE AND THREAD OF GOLD AND SILVER. | | | | | |
|----------------------------------|-------------------|--------|--|-------------------|--------|----------------------------------|-------------------|--------|
| DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| £. | £. | £. | Lbs. | Lbs. | Lbs. | £. | £. | £. |
| 26,139 | 70,628 | 96,767 | 21 | 663 | 684 | 194 | 5,613 | 5,807 |

| 33. LINEN MANUFACTURES. | | | 34. MACHINERY AND MILL WORK. | | | 35. MILITARY STORES, NOT OTHERWISE DESCRIBED. | | |
|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|---|-------------------|--------|
| DECLARED VALUE. | | | DECLARED VALUE. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 8,522 | 21,738 | 30,260 | 11,363 | 57,365 | 68,718 | 31,623 | 41 | 31,664 |
| | | | | | | | | 1820. |

No. 37. *continued.*—EXPORTS from GREAT BRITAIN in the Year 1829—*continued.*

| | 36. | | | 37. | | | | | |
|----------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|
| | MUSICAL INSTRUMENTS. | | | OPIUM. | | | | | |
| | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| | £. | £. | £. | Lbs. | Lbs. | Lbs. | £. | £. | £. |
| 1829 - - | 3,411 | 15,970 | 19,381 | - - | 14,591 | 14,591 | - - | 11,308 | 11,308 |

| | 40. | | | 41. | | | | | |
|-------|----------------------------------|-------------------|--------|----------------------------------|-------------------|---------|----------------------------------|-------------------|--------|
| | PROVISIONS. | | | QUICKSILVER. | | | | | |
| | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| | £. | £. | £. | Lbs. | Lbs. | Lbs. | £. | £. | £. |
| * - - | 17,441 | 92,108 | 39,549 | - - | 198,129 | 198,129 | - - | 18,575 | 18,575 |

| | 44. | | | | | | 45. | | |
|-------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|----------------------------------|-------------------|----------|
| | SPELTER (FOREIGN.) | | | | | | SPIRITS (BRITISH) - - - | | |
| | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | |
| | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| | Cwts. | Cwts. | Cwts. | £. | £. | £. | Gallons. | Gallons. | Gallons. |
| ✠ - - | - - | 77,796 | 77,796 | - - | 46,678 | 46,678 | 8 | 6,260 | 6,268 |

| 88. | | | | | | 89. | | |
|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|---|-------------------|--------|
| ORDNANCE OF BRASS AND IRON. | | | | | | PLATE, PLATED WARE, JEWELLERY AND WATCHES. | | |
| QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Tons. | Tons. | Tons. | £. | £. | £. | £. | £. | £. |
| 181 | - - | 181 | 4,215 | - - | 4,215 | 150 | 54,083 | 54,233 |

| 42. | | | 43. | | | | | |
|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|
| SILK MANUFACTURES. | | | SOAP AND CANDLES. | | | | | |
| DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| £. | £. | £. | Cwts. | Cwts. | Cwts. | £. | £. | £. |
| 78 | 9,655 | 9,733 | 484 | 618 | 1,102 | 1,990 | 2,608 | 3,898 |

| 45. | | | 46. | | | | | |
|----------------------------------|-------------------|--------|----------------------------------|-------------------|----------|----------------------------------|-------------------|--------|
| - - - SPIRITS (BRITISH.) | | | SPIRITS (FOREIGN.) | | | | | |
| DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| £. | £. | £. | Gallons. | Gallons. | Gallons. | £. | £. | £. |
| 6 | 2,867 | 2,873 | 378 | 171,905 | 172,283 | 52 | 23,365 | 23,417 |

1820.

(continued.)

No. 37. *continued.*—EXPORTS from GREAT BRITAIN, in the Year 1829—*continued.*

| | 47. | | | 48. | | | | | |
|----------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|
| | STATIONERY. | | | STEEL, UNWROUGHT. | | | | | |
| | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| | £. | £. | £. | Cwts. | Cwts. | Cwts. | £. | £. | £. |
| 1829 - - | 40,442 | 39,923 | 80,365 | 92 | 11,507 | 11,599 | 224 | 11,996 | 12,220 |

| * - - | 50. | | | | | | 51. | | | | | |
|-------|----------------------------------|-------------------|---------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|
| | SWORDS. | | | | | | TIN, UNWROUGHT. | | | | | |
| | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| | Number. | Number. | Number. | £. | £. | £. | Cwts. | Cwts. | Cwts. | £. | £. | £. |
| | 2,100 | 61 | 2,161 | 1,754 | 188 | 1,942 | - | - | 3 | 3 | - | 10 |

| + - - | 54. | | | | | | 55. | | |
|-------|---|----------------------|----------------------|----------------------------------|-------------------|---------|----------------------------------|-------------------|---------|
| | WOOLLEN MANUFACTURES (BRITISH) <i>Viz.</i> CLOTHS OF ALL SORTS. | | | | | | STUFFS, <i>Viz.</i> CAMLETS, - - | | |
| | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | QUANTITIES EXPORTED. | | |
| | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| | Pieces. | Pieces. | Pieces. | £. | £. | £. | Pieces. | Pieces. | Pieces. |
| | 7,800 | 35,210 $\frac{1}{2}$ | 43,010 $\frac{1}{2}$ | 77,304 | 186,084 | 263,388 | 543 | 31,037 | 31,580 |

| 49. | | | | | |
|----------------------------------|-------------------|--------|---------------------------------|-------------------|--------|
| SUGAR, REFINED. | | | | | |
| QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company | Private Trade. | TOTAL. |
| Cwts. | Cwts. | Cwts. | £. | £. | £. |
| 81 | 1,184 | 1,265 | 144 | 2,434 | 2,578 |

| 52. | | | 53. | | | | | |
|--|-------------------|--------|----------------------------------|-------------------|---------|----------------------------------|-------------------|---------|
| TIN AND PEWTER WARES, AND TIN PLATES. | | | WINES. | | | | | |
| DECLARED VALUE. | | | QUANTITIES EXPORTED. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| £. | £. | £. | Tons. | Tons. | Tons. | £. | £. | £. |
| 985 | 10,380 | 11,365 | 3,528 | 356,842 | 360,370 | 1,331 | 161,365 | 162,696 |

| 55. | | | 56. | | | 57. | | |
|----------------------------------|-------------------|--------|----------------------------------|-------------------|--------|--|-------------------|---------|
| SERGES, &c. | | | OTHER BRITISH WOOLLENS. | | | AGGREGATE VALUE OF BRITISH WOOLLEN MANUFACTURES EXPORTED. | | |
| DECLARED VALUE. | | | DECLARED VALUE. | | | | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| £. | £. | £. | £. | £. | £. | £. | £. | £. |
| 907 | 86,332 | 87,239 | 2,723 | 19,147 | 21,870 | 80,934 | 291,563 | 372,497 |
| | | | | | | | | 1829. |

No. 37. continued.—EXPORTS from GREAT BRITAIN in the Year 1829—continued.

| 58. | | | | | | 59. | | |
|----------------------------------|-------------------|-----------------|----------------------------------|-------------------|--------|----------------------------------|-------------------|---------|
| WOOLLEN MANUFACTURES (FOREIGN.) | | | | | | ALL OTHER ARTICLES. | | |
| QUANTITIES EXPORTED. | | | DECLARED VALUE. | | | DECLARED VALUE. | | |
| By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. | By the East India Company. | Private Trade. | TOTAL. |
| Pieces & Value. | Pieces & Value. | Pieces & Value. | £. | £. | £. | £. | £. | £. |
| 1829 - - - | - - 140 & £. 120 | 140 & £. 120 | - - | 1,380 | 1,380 | 30,886 | 187,099 | 217,985 |

| TOTAL DECLARED VALUE of the EXPORTS from GREAT BRITAIN, to all Places Eastward of the CAPE of GOOD HOPE, (except CHINA.) | | | | |
|--|-------------------------------|----------------|-----------|-----------|
| — | By the East India Company. | Private Trade. | TOTAL. | — |
| | £. | £. | £. | |
| 1829 - - | 434,586 | 3,665,678 | 4,100,264 | - - 1829. |

No. 38.—AN ACCOUNT of all Goods imported into GREAT BRITAIN from the EAST INDIES and CHINA, (exclusive of Mauritius,) in the Year ending 5th January 1830; specifying the Quantity and Value of the principal Articles Imported.

(In continuation of an Account, No. 38, presented by His late Majesty's Command in 1830.)

| SPECIES OF MERCHANDIZE. | QUANTITIES | VALUE THEREOF |
|---|-------------------------------|---|
| | IMPORTED. | according to the Prices at the East India Company's Sales. |
| | YEAR ending 5th January 1830. | |
| | | £. |
| Borax, refined Lbs. | 11,233 | 255 |
| — unrefined — | 142,038 | 4,280 |
| Camphire, unrefined — | 538,479 | 28,066 |
| Cassia lignea — | 814,529 | 25,454 |
| Cinnamon — | 543,933 | 156,381 |
| Cloves — | 34,663 | 2,022 |
| Coffee — | 6,290,685 | 106,166 |
| Cotton Wool — | 24,873,811 | 466,384 |
| Cotton Piece Goods; viz. | | |
| White Calicoes and Muslins Pieces | 290,675 | 148,319 |
| Nanquin Cloths — | 919,255 | 126,398 |
| Dyed Cottons — | 180,388 | 94,309 |
| Elephants Teeth Cwts. | 1,271 | 22,881 |
| Gum Animi and Copal Lbs. | 234,908 | 10,487 |
| — Arabic Cwts. | 3,746 | 11,241 |
| — Lacdye Lbs. | 590,721 | 63,995 |
| — Shellac — | 678,091 | 26,210 |
| — Sticklac — | — | — |
| Indigo — | 5,976,887 | 1,867,777 |
| Mace — | 6,836 | 1,452 |
| Mother of Pearl Shells, rough — | 690,275 | 23,420 |
| Nutmegs — | 37,056 | 5,558 |
| Oil, Castor — | 301,482 | 18,843 |
| Pepper — | 2,006,590 | 33,443 |
| Rhubarb — | 127,685 | 17,557 |
| Rice not in the husk Cwts. | 158,617 | 88,561 |
| Safflower — | 2,689 | 14,792 |
| Sago — | 454 | 477 |
| Salt Petre — | 175,792 | 222,670 |
| Silk, raw Lbs. | 2,237,566 | 1,624,266 |
| Silk Manufacturers; viz. | | |
| Bandannoes, Romals and Handkerchiefs Pieces | 97,611 | 92,673 |
| Crape in Pieces — | 45 | 146 |
| Crape, Shawls, Scarfs, Gown Pieces and Handkerchiefs } Number | 64,360 | 27,363 |
| Taffaties, Damasks and other Silks in Pieces } Pieces | 8,887 | 20,033 |
| Sugar, unrefined Cwts. | 206,048 | 295,729 |
| Tea Lbs. | 30,544,382 | 3,461,697 |
| Tortoiseshell, rough — | 36,536 | 63,938 |
| Turmeric — | 1,111,068 | 10,003 |
| Other Articles Valued at | - - - | 296,330 |
| TOTAL VALUE of IMPORTS into GREAT BRITAIN from the EAST INDIES and CHINA (exclusive of MAURITIUS) | | £. 9,479,576 |

Inspector General's Office,
Custom House, London,
12 February 1831.

WILLIAM IRVING,
Inspector General of Imports and Exports.

No. 39.—AN ACCOUNT of all Goods Exported from GREAT BRITAIN to the EAST INDIES and CHINA, (exclusive of MAURITIUS,) in the Year ending 5th January 1830.

(In continuation of an Account, No. 39. presented by His late Majesty's Command in 1830.)

| SPECIES OF MERCHANDIZE EXPORTED. | | QUANTITIES EXPORTED. | DECLARED VALUE THEREOF. |
|-------------------------------------|----------------------------------|-----------------------------------|----------------------------|
| | | Year ending 5th January 1830. | |
| | | | £. s. d. |
| Apothecary Wares | - - - - - | - - - | 21,946 - 4 |
| Apparel | - - - - - | - - - | 24,507 7 1 |
| Beer and Ale | - - - - - Tuns. hhd. gals. | 3,968 1 12 | 88,600 12 6 |
| Books, Printed | - - - - - Cwts. grs. lbs. | 1,207 1 8 | 33,477 1 8 |
| Brass | - - - - - | 329 1 8 | 2,984 7 - |
| Cabinet and Upholstery Wares | - - - - - | - - - | 2,979 14 - |
| Carriages | - - - - - Number | 130 | 11,367 5 - |
| Coals | - - - - - Tons. | 2,310 ½ | 1,510 19 9 |
| Cochineal | - - - - - Lbs. | 38,107 | 19,053 10 - |
| Colours for Painters | - - - - - | - - - | 15,400 18 9 |
| Copper, in Bricks and Pigs | - - - - - Cwts. grs. lbs. | 43,767 2 3 | 197,255 1 4 |
| — Sheets and Nails | - - - - - | 35,470 - 14 | 175,987 4 7 |
| — Wrought | - - - - - | 4,689 - 4 | 22,500 7 4 |
| Cordage | - - - - - | 3,606 - 5 | 8,396 7 5 |
| Cotton Manufactures, British—viz. | Calicoes, &c. White or Plain | - - - Yards | 26,215,605 |
| | — Printed, Checquered, &c. | - - - | 10,634,687 |
| | Muslins, White or Plain | - - - | 6,390,446 |
| | — Printed, Chequered, &c. | - - - | 102,994 |
| | Fustians, Velvets, &c. | - - - | 13,323 |
| | Cotton and Linen mixed | - - - | 3,682 |
| | Counterpanes and Bed Quilts | - - - Number | 324 |
| | Lace and Patent Net | - - - Yards | 71,941 |
| | Cotton, for stitching and sewing | - - - Lbs. | 66,199 |
| | Hosiery, viz. Stockings | - - - Dozen pr. | 20,996 - |
| | — of other sorts | - - - | 222 - - |
| | Tapes and small Wares | - - - | 3,836 - - |
| Cotton Manufactures, Foreign | - - - Square yards, &c. | Sq. yds. 41,103 & £. 545. 3. - | 2,600 6 - |
| Cotton Twist and Yarn, British | - - - Lbs. | 3,185,640 | 210,182 14 - |
| — Foreign | - - - | 41,850 | 4,185 - - |
| Earthenware of all sorts | - - - Pieces | 1,393,258 | 20,289 4 - |
| Glass | - - - | - - - | 99,393 14 - |
| Guns and Pistols | - - - Number | 25,127 | 50,762 19 6 |
| Haberdashery and Millinery | - - - | - - - | 25,858 19 2 |
| Hardwares and Cutlery | - - - | - - - | 77,006 19 10 |
| Hats of all sorts | - - - Dozen number | 2,581 4 | 9,422 4 7 |
| Iron, Bar and Bolt | - - - Tons. cwts. grs. lbs. | 13,078 14 1 13 | 108,532 18 7 |
| — Cast and Wrought | - - - Cwts. grs. lbs. | 82,158 - 5 | 79,465 14 10 |
| Lace and Thread, of Gold and Silver | - - - Lbs. oz. | 674 - | 5,726 11 5 |
| Lead and Shot | - - - Tons. cwts. grs. lbs. | 2,415 5 1 14 | 40,115 13 5 |
| Leather and Saddlery | - - - | - - - | 29,522 8 10 |

No. 39.—EXPORTS from GREAT BRITAIN, in the Year 1830—*continued.*

| SPECIES OF MERCHANDIZE EXPORTED. | QUANTITIES EXPORTED. | DECLARED VALUE THEREOF. |
|---|-----------------------------------|----------------------------|
| | Year ending 5th January 1830. | |
| | | £. s. d. |
| Linen Manufactures - - - - - | - - - | 25,561 12 2 |
| Military Stores, not otherwise described - - - | - - - | 31,637 12 4 |
| Musical Instruments - - - - - | - - - | 16,211 18 7 |
| Opium - - - - - <i>Lbs.</i> | 14,591 | 11,308 - 6 |
| Ordnance of Brass and Iron - <i>Tons. cwt. qrs. lbs.</i> | 181 1 3 27 | 4,214 12 10 |
| Plate, Plated Ware, Jewellery and Watches - - - | - - - | 52,479 2 6 |
| Provisions - - - - - | - - - | 31,784 13 3 |
| Quicksilver - - - - - <i>Lbs.</i> | 198,129 | 18,574 11 10 |
| Silk Manufactures - - - - - | - - - | 7,905 7 - |
| Soap and Candles - - - - - <i>Cwt. qrs. lbs.</i> | 1,018 3 20 | 3,443 10 4 |
| Spelter, Foreign - - - - - | 77,694 2 27 | 46,616 17 - |
| Spirits, British - - - - - <i>Gallons</i> | 5,753 | 2,696 5 - |
| — Foreign - - - - - | 161,360 | 21,948 17 9 |
| Stationery - - - - - | - - - | 78,118 11 10 |
| Steel, unwrought - - - - - <i>Cwt. qrs. lbs.</i> | 11,599 - 21 | 12,219 14 2 |
| Sugar, Refined - - - - - | 1,153 1 27 | 2,273 5 10 |
| Swords - - - - - <i>Number</i> | 2,161 | 1,941 18 - |
| Tin, unwrought - - - - - <i>Cwt. qrs. lbs.</i> | — | — |
| Tin and Pewter Wares, and Tin Plates - - - | - - - | 9,310 10 11 |
| Wines - - - - - <i>Gallons.</i> | 347,264 | 156,752 9 2 |
| Woolen Manufactures, British—viz. { Cloths - - - - - <i>Pieces</i> | 59,890 $\frac{1}{2}$ | 441,321 8 9 |
| Coatings, Duffels, &c. - - - - - | 6 | 30 - - |
| Kerseymeres - - - - - | 596 $\frac{1}{2}$ | 3,240 9 9 |
| Baizes - - - - - | 140 | 568 14 - |
| Stuffs, viz. Camblets, Serges, &c. - - - | 161,763 | 358,577 2 9 |
| Flannel - - - - - <i>Yards</i> | 93,611 | 6,376 9 3 |
| Blankets and Blanketing - - - - - | 43,087 | 4,239 - - |
| Carpets and Carpeting - - - - - | 4,617 | 651 - - |
| Woollens, mixed with Cotton, &c. - - - | 57,021 | 5,981 3 8 |
| Rugs and Coverlids - - - - - <i>Number</i> | — | — |
| Hosiery, viz. Stockings - - - - - <i>Dozen pair</i> | 930 6 | 524 16 8 |
| — of all other sorts - - - - - | - - - | 893 10 - |
| Tapes and small wares - - - - - | - - - | 2,191 8 7 |
| Woolen Manufactures, Foreign - - <i>Pieces and value</i> | <i>Pieces.</i> 140 and £. 100. | 1,360 - - |
| All other Articles - - - - - | - - - | 239,747 12 6 |
| TOTAL VALUE of EXPORTS to the EAST INDIES } and CHINA (exclusive of MAURITIUS) - - } | | £. 4,412,497 10 7 |

Inspector General's Office,
Custom House, London,
12 February 1831.

WILLIAM IRVING,
Inspector General of Imports and Exports.

**A STATEMENT of the several ARTICLES of BRITISH PRODUCE and MANUFACTURE
together with the Official and Declared**

BRITISH PRODUCE and MANUFACTURES Exported from - - - -

| YEAR. | 1. COPPER. | | | 2. COTTON - - - - - | | |
|----------|-------------------|-----------------|-----------------|------------------------|-----------------|-----------------|
| | | | | ENTERED BY THE YARD. | | |
| | Quantity. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. |
| | <i>Cwts.</i> | <i>£.</i> | <i>£.</i> | <i>Yards.</i> | <i>£.</i> | <i>£.</i> |
| 1830 - - | - - - | - - - | - - - | 825,814 | 55,849 | 17,820 |

| * - - | 5. IRON, WROUGHT AND UNWROUGHT. | | | 6. LEAD AND SHOT. | | |
|-------|---|-----------------|-----------------|--------------------------|-----------------|-----------------|
| | Quantity. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. |
| | <i>Tons.</i> | <i>£.</i> | <i>£.</i> | <i>Tons.</i> | <i>£.</i> | <i>£.</i> |
| | 62 | 3,383 | 470 | - - - | - - - | - - - |

| + - - | 10. WOOLLEN MANUFACTURES; VIZ. | | | | | |
|-------|-----------------------------------|-----------------|-----------------|--------------------------------------|-----------------|-----------------|
| | CLOTHS OF ALL SORTS. | | | STUFFS; viz. CAMLETS, SERGES, &c. | | |
| | Quantity. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. |
| | <i>Pieces.</i> | <i>£.</i> | <i>£.</i> | <i>Pieces.</i> | <i>£.</i> | <i>£.</i> |
| | 3,775 | 33,031 | 19,923 | 7,370 | 11,669 | 18,008 |

Exported in American Vessels, to CHINA and to the EAST INDIES, in the Year 1830;
Value of each Article.

- - - - GREAT BRITAIN, in Foreign Vessels, to CHINA.

| 2. - - MANUFACTURES. | | 3. GLASS, AND EARTHENWARE. | | 4. GUNS AND PISTOLS. | | |
|---------------------------------------|-----------------|----------------------------------|-----------------|-------------------------|-----------------|-----------------|
| HOSIERY, LACE, AND SMALL WARES. | | | | | | |
| Official Value. | Declared Value. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. |
| £. | £. | £. | £. | Number. | £. | £. |
| 798 | 456 | 11 | 49 | 1 | 1 | 20 |

| 7. MACHINERY; <i>Vis.</i> STEAM ENGINES, &c. | | 8. MOSS ROCK OR CUDBEAR. | | | 9. PLATE, PLATED WARE, JEWELLERY AND WATCHES. | |
|---|-----------------|-----------------------------|-----------------|-----------------|--|-----------------|
| Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. | Official Value. | Declared Value. |
| £. | £. | Cwts. | £. | £. | £. | £. |
| - - - | - - - | - - - | - - - | - - - | 630 | 630 |

| 11. ALL OTHER ARTICLES. | | 12. TOTAL OFFICIAL VALUE of British Produce and Manufactures Exported from Great Britain in Foreign Vessels, to China. | 13. TOTAL DECLARED VALUE of British Produce and Manufactures Exported from Great Britain in Foreign Vessels, to China. | YEAR. |
|----------------------------|-----------------|--|--|-----------|
| Official Value. | Declared Value. | | | |
| £. | £. | £. | £. | |
| 60 | 60 | 105,432 | 57,436 | - - 1830. |

STATEMENT—continued.

BRITISH PRODUCE and MANUFACTURES Exported from - - - - -

| YEAR. | 1. B E E R. | | | 2. C O P P E R. | | | 3. COTTON - - - | | |
|----------|--------------------|-----------------|-----------------|------------------------|-----------------|-----------------|----------------------|-----------------|-----------------|
| | | | | | | | ENTERED BY THE YARD. | | |
| | Quantity. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. |
| | Tons. | £. | £. | Cwts. | £. | £. | Yards. | £. | £. |
| 1830 - - | 15 | 84 | 362 | - - | - - | - - | 1,164,272 | 84,811 | 41,522 |

| 7. I R O N, WROUGHT AND UNWROUGHT. | | | 8. L I N E N S: | | | 9. MACHINERY; <i>Viz.</i> STEAM ENGINES, &c. | | 10. T I N P L A T E S. | |
|--|-----------------|-----------------|------------------------|-----------------|-----------------|---|-----------------|-------------------------------|-----------------|
| Quantity. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. | Official Value. | Declared Value. | Official Value. | Declared Value. |
| Tons. | £. | £. | Yards. | £. | £. | £. | £. | £. | £. |
| - - | - - | - - | 1,875 | 75 | 100 | 9,893 | 9,893 | - - | - - |

| 11. WOOLLEN MANUFACTURES—continued.— <i>VIZ.</i> | | | | | | | | |
|---|-----------------|-----------------|-------------|-----------------|-----------------|---|-----------------|-----------------|
| FLANNEL. | | | BLANKETING. | | | STUFFS; <i>viz.</i> CAMLETS, SERGES, &c. | | |
| Quantity. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. |
| Yards. | £. | £. | Yards. | £. | £. | Pieces. | £. | £. |
| - - | - - | - - | - - | - - | - - | 1,200 | 1,900 | 5,000 |

Inspector General's Office,
Custom House, London,
12 February 1831.

- - - - - GREAT BRITAIN in Foreign Vessels to the EAST INDIES.

| 3. MANUFACTURES. | | 4. GLASS AND EARTHENWARE. | | 5. GUNS AND PISTOLS. | | | 6. HARDWARES AND CUTLERY. | | |
|--------------------------------------|-------|---------------------------------|--------------------|-------------------------|--------------------|--------------------|---------------------------------|--------------------|--------------------|
| HOSIERY, LACE AND SMALL WARES. | | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. |
| £. | £. | £. | £. | Number. | £. | £. | Cts. | £. | £. |
| 8,729 | 5,130 | 116 | 384 | - - | - - | - - | 25 | 75 | 144 |

| 11. WOOLLEN MANUFACTURES,—VIZ. | | | | | | | | |
|-----------------------------------|--------------------|--------------------|-------------|--------------------|--------------------|-----------|--------------------|--------------------|
| CLOTHS OF ALL SORTS. | | | KERSEYMERE. | | | BAIZES. | | |
| Quantity. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. | Quantity. | Official Value. | Declared Value. |
| Pieces. | £. | £. | Pieces. | £. | £. | Pieces. | £. | £. |
| 1,290 | 5,805 | 5,300 | - - | - - | - - | - - | - - | - - |

| 12. ALL OTHER WOOLLENS. | | 13. ALL OTHER ARTICLES. | | 14. TOTAL OFFICIAL VALUE of British Produce and Manufactures Exported from Great Britain in Foreign Vessels to the East Indies. | 15. TOTAL DECLARED VALUE of British Produce and Manufactures Exported from Great Britain in Foreign Vessels to the East Indies. | 16. YEAR. |
|-------------------------------|--------------------|-------------------------------|--------------------|---|---|--------------|
| Official Value. | Declared Value. | Official Value. | Declared Value. | | | |
| £. | £. | £. | £. | £. | £. | |
| 108 | 95 | 397 | 461 | 111,993 | 68,391 | - 1830. |

WILLIAM IRVING,
Inspector General of Imports and Exports.

No. 43.—AN ACCOUNT of the Quantity of TEA Exported from GREAT BRITAIN to Foreign Europe, to British Colonies and Possessions, and to all other Parts, in the Year ended the 5th January 1830.

(In continuation of an Account, No. 43, presented by His late Majesty's Command in 1830.)

TEA EXPORTED FROM GREAT BRITAIN TO ALL PARTS,
EXCEPT IRELAND.

| YEAR | To FOREIGN EUROPE. | To BRITISH COLONIES and POSSESSIONS. | To ALL OTHER PARTS. | TOTAL |
|-------------------|--------------------------|--|---------------------------|---------|
| Ended 5th January | Pounds. | Pounds. | Pounds. | Pounds. |
| 1830 - - | 9,138 | 241,464 | 1,369 | 251,971 |

Inspector General's Office,
Custom House, London,
12 February 1831. }

WILLIAM IRVING,
Inspector General of Imports and Exports.

EAST INDIA FINANCE.

FURTHER RETURN to an Order of The Honourable
House of Commons, dated 3 February 1831;—*for*,

A CONTINUATION (to the latest Period to which they
can be made up) of all ACCOUNTS relating to the TRADES
of India and China, and to the FINANCES of India, which
were presented to The House by His Majesty's COM-
MAND, in the Years 1829 and 1830; and also, of all such
further ACCOUNTS relating to the same matters, which
have been ordered by The House during the last Year.

*Ordered, by The House of Commons, to be Printed,
7 March 1831.*

CARNATIC CREDITORS.

RETURN, shewing (according to the best Estimate which can be formed) the
Amount of MONEY subject to the CLAIMS of the CREDITORS of the NABOBS
of the CARNATIC, which on the 30th April 1830 remained in the hands of
The EAST INDIA COMPANY, at *Madras*.

AMOUNT remaining in the hands of The East India Company, at Madras,
subject to the Claims of the Carnatic Creditors :

| | |
|-------------------------|-----------------------|
| Madras Rupees | <u>2, 14, 30, 973</u> |
|-------------------------|-----------------------|

East India House, }
9 December 1830. }

(Errors excepted.)

JAMES C. MELVILL,
Aud' of India Acco^{ts}.

CARNATIC CREDITORS.

RETURN, shewing (according to the best Estimate which can be formed) the Amount of MONEY subject to the CLAIMS of the CREDITORS of the NABOBS of the CARNATIC, which on the 30th April 1830 remained in the hands of The East INDIA COMPANY, at *Madras*.

*Ordered, by The House of Commons, to be Printed,
10 December 1830.*

ACTS AND ORDINANCES
OF THE
GOVERNOR AND COUNCIL
OF
NEW SOUTH WALES,
UNDER THE AUTHORITY OF THE ACT OF THE
IMPERIAL PARLIAMENT OF THE 4TH OF GEO. IV. CAP. 96;
AND PASSED DURING THE ADMINISTRATION OF
HIS EXCELLENCY LIEUT.-GEN. RALPH DARLING:
1828.

WITH A TABLE OF THE TITLES AND INDEXES.

(Presented to Parliament as required by Act 9 Geo. IV. c. 83, sec. 29.)

Ordered, by The House of Commons, to be Printed,
11 March 1831.

T A B L E
OF THE TITLES OF ACTS AND ORDINANCES IN COUNCIL, 1828.

| | |
|---|------------|
| Index to Acts of Parliament adopted - - - - - | Page. 3 |
| No. 1.—An Act for adopting certain Acts of Parliament passed during the seventh and eighth years of his present Majesty King George the Fourth, for the amendment of the Law, and the improvement of the Administration of Justice in Criminal Cases. [26th March 1828] | 25 |
| No. 2.—An Act for adopting a certain Act of Parliament, passed in the seventh and eighth years of his Majesty King George the Fourth, to regulate the Practice of Arrests - - - [26th March 1828] | 70 |
| No. 3.—An Act to enable the Proprietors of a certain Banking Company heretofore carried on at Sydney, under the name and designation of the Bank of New South Wales, commonly called the Old Bank of New South Wales, to sue and be sued in the name of the President for the time being of the said Bank; and also to enable the Proprietors of a certain Banking Company, to be established in Sydney, under the name, style and firm of the Bank of New South Wales, commonly called the New Bank of New South Wales, to sue and be sued in like manner, in the name of the President for the time being, and for other purposes therein mentioned - - [31st March 1828] | 74 |
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| stealing or cutting, &c. with intent to steal the whole or part of any tree, sapling, shrub or underwood, growing in any park, pleasure-ground, orchard, avenue or ground belonging to dwelling-house, if value exceed 1 <i>l.</i> —felony. | — | 29 | 38 | 52 |
| punishment - - - - - | — | — | — | ib. |
| stealing or cutting, &c. with intent to steal the whole or part of any tree, &c. growing elsewhere, if the value exceed 5 <i>l.</i> —felony. | — | — | — | ib. |
| punishment - - - - - | — | — | — | ib. |
| the whole or part of any tree, &c. wherever growing, to amount of 1 <i>s.</i> at the least; first offence, over and above value, &c. penalty not exceeding 5 <i>l.</i> | — | — | 39 | 53 |

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| Garden, stealing, &c.— <i>continued.</i> | | | | |
| second offence, commitment not exceeding 12 calendar months, and whipping in addition. | 7 & 8 G. 4 | 29 | 39 | 53 |
| third offence—felony - - - - | — | — | — | ib. |
| punishment - - - - | — | — | — | ib. |
| person found in possession, by virtue of search warrant, of the whole or part of any tree, &c. of 2s. value at the least, if not satisfactorily accounted for, shall forfeit, not exceeding 2 <i>l.</i> over and above value, &c. | — | — | 41 | ib. |
| stealing or destroying, &c. with intent to steal, any plant, root, fruit or vegetable production, growing in any garden, orchard, nursery-ground, hot-house or conservatory; first offence, commitment, &c. not exceeding 12 months, or payment, not exceeding 20 <i>l.</i> over and above value, &c. | — | — | 42 | ib. |
| second offence—felony - - - - | — | — | — | ib. |
| punishment - - - - | — | — | — | ib. |
| maliciously cutting, breaking or destroying, &c. the whole or any part of any tree, &c. growing in any park, &c. if value exceed 1 <i>l.</i> —felony. | — | 30 | 19 | 65 |
| the whole or part of any tree, &c. growing elsewhere, if value exceed 5 <i>l.</i> —felony. | — | — | — | ib. |
| punishment - - - - | — | — | — | ib. |
| the whole or part of any tree, &c. wheresoever growing, to amount of 1 <i>s.</i> at least; first offence, not exceeding 5 <i>l.</i> over and above value, &c. | — | — | 20 | ib. |
| second offence, imprisonment, not exceeding 12 calendar months, and whipping in addition. | — | — | — | ib. |
| third offence—felony - - - - | — | — | — | ib. |
| punishment - - - - | — | — | — | ib. |
| destroying or damaging any plant, root, &c. growing in any garden, orchard, &c.; first offence, imprisonment, not exceeding six calendar months, or payment, over and above injury, of a sum not exceeding 20 <i>l.</i> | — | — | 21 | ib. |
| second offence—felony - - - - | — | — | — | ib. |
| punishment - - - - | — | — | — | ib. |
| Gate. <i>see</i> tit. "Fence." | | | | |
| Gelding. <i>see</i> tit. "Cattle." | | | | |
| Glass. <i>see</i> tit. "Fixture." | | | | |
| Gorze. <i>see</i> tit. "Setting Fire." | | | | |
| Grain. <i>see</i> tit. "Setting Fire." | | | | |
| Granary. <i>see</i> tit. "Felony." "Setting Fire." | | | | |
| Green-house. <i>see</i> tit. "Garden." | | | | |
| HARD LABOUR. <i>see</i> tit. "Imprisonment." | | | | |
| when court may order - - - - | — | 28 | 9 | 45 |
| Hare, taking or killing any hare or cony in night-time in any warren, &c.—misdemeanor. | — | 29 | 4 | 44 |
| punishment - - - - | — | — | 30 | 51 |
| in day-time, penalty not exceeding 5 <i>l.</i> - - | — | — | — | ib. |
| Hay. <i>see</i> tit. "Setting Fire." | | | | |
| Heath. <i>see</i> tit. "Setting Fire." | | | | |
| Heifer. <i>see</i> tit. "Cattle." | | | | |
| Highways, materials for repairing, may be laid to be property of surveyor of. | 7 G. 4 | 64 | 16 | 29 |
| Hop-binds, cutting or otherwise destroying—felony - - | 7 & 8 G. 4 | 30 | 18 | 64 |
| punishment - - - - | — | — | — | ib. |
| Hop Oast. <i>see</i> tit. "Felony." "Setting Fire." | | | | |
| Horse. <i>see</i> tit. "Cattle." | | | | |
| Hot-house. <i>see</i> tit. "Garden." | | | | |
| House. <i>see</i> tit. "Felony." "Setting Fire." | | | | |
| tenant or lodger stealing any chattel or fixture let to be used in or with house or lodging—felony. | — | 29 | 45 | 54 |
| punishment - - - - | — | — | — | ib. |
| immaterial by whom contract entered into - - | — | — | — | ib. |
| form of indictment - - - - | — | — | — | ib. |

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| IMPRISONMENT, power of court to order hard labour, and solitary confinement in addition to. | 7 & 8 G. 4 | 28 | 9 | 45 |
| Imprisonment (<i>upon mesne process</i>) of defendant, when the cause of action amounts to less than 20 <i>l.</i> , repeal of acts authorizing. | — | 30 | 27 | 66, 67 |
| Indictment. <i>see</i> tit. "Embezzlement," "Felony." | | 71 | 6 | 73 |
| for offences committed on property of partners, joint-tenants, parceners, tenants in common, joint-stock companies, and trustees, may state property to belong to one partner, &c. by name, and others. | 7 G. 4 | 64 | 14 | 29 |
| may state property belonging to counties, ridings and divisions, to be in the inhabitants of such county, &c. | — | — | 15 | ib. |
| any workhouse, poorhouse, or goods, &c. provided for the use of the poor, to belong to overseers of poor for time being. | — | — | — | ib. |
| materials for repairing highways to be property of surveyor. | — | — | 16 | ib. |
| how property of turnpike-trustees to be described in. | — | — | 17 | 30 |
| commissioners of sewers to be described in. | — | — | 18 | ib. |
| not to abate by dilatory plea of misnomer, or want of addition, or of wrong addition. | — | — | 19 | ib. |
| when court may amend - - - - - | — | — | — | ib. |
| need not state value of article stolen, or whose property it is, in prosecutions for stealing records, &c. | 7 & 8 G. 4 | 29 | 21 | 49 |
| wills, &c. - - - - - | — | — | 22 | ib. |
| writings relating to real estate - - | — | — | 23 | ib. |
| joinder of counts in - - - - - | — | 28 | 6 | 44 |
| plea of attainder, in bar of, when available - | — | — | 4 | ib. |
| judgment after verdict on, not to be stayed or reversed for want of proof of unnecessary averment or matter. | 7 G. 4. | 64 | 20 | 30 |
| for omission of words, "as appears by record" | — | — | — | ib. |
| "with force and arms" | — | — | — | ib. |
| "against the peace." - | — | — | — | ib. |
| insertion of words, "against the form of the statute," instead of "against the form of the statutes," or <i>vice versâ</i> . | — | — | — | ib. |
| designating persons mentioned in indictment, &c. by name of office instead of their proper name. | — | — | — | ib. |
| omitting to state time when offence committed where time is not essence of offence | — | — | — | ib. |
| stating time imperfectly - - - - - | — | — | — | ib. |
| offence on a day subsequent to finding of indictment. | — | — | — | ib. |
| an impossible day - - - | — | — | — | ib. |
| a day that never happened | — | — | — | ib. |
| want of proper or perfect venue where court appear by indictment, &c. to have had jurisdiction of a <i>similiter</i> - - - - - | — | — | 21 | ib. |
| that jury process was awarded to a wrong officer upon insufficient suggestion. | — | — | — | ib. |
| for misnomer, &c. of officer returning process - | — | — | — | ib. |
| any of jurors - - - - - | — | — | — | ib. |
| because person upon jury who has not been returned as a juror by sheriff. | — | — | — | ib. |
| when sufficient to warrant punishment prescribed by the statute. | — | — | — | ib. |
| Infamous crime, what shall be deemed - - - - | 7 & 8 G. 4 | 29 | 9 | 47 |
| obtaining money, &c. by threatening to accuse party of, punishment for. | — | — | 7 | ib. |
| sending letter threatening to accuse party of, punishment for. | — | — | 8 | ib. |
| Information. <i>see</i> tit. "Indictment," <i>passim</i> . | | | | |
| in cases of felony or misdemeanor, to be delivered by justice to officer of court. | 7 G. 4 | 64 | 2, 3 | 26 |

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| Injury, person committing damage, injury or spoil, to or upon real or personal property, not specially provided for, to pay compensation not exceeding 5 <i>l</i> . | 7 & 8 G. 4 | 30 | 24 | 66 |
| application of money paid - - - - - | — | — | — | ib. |
| consequence of non-payment of, with costs - - - | — | — | — | ib. |
| to what cases this does not extend - - - - - | — | — | — | ib. |
| Interpretation of the words "Valuable Security." <i>see</i> tit. "Valuable Security." | | | | |
| of criminal statutes : | | | | |
| rule for, upon indictment or summary conviction. | — | 28 | 14 | 46 |
| unless otherwise provided, or subject or context repugnant to construction, to be understood to include several matters as well as one. | — | — | — | ib. |
| persons as well as one - | — | — | — | ib. |
| females as well as males | — | — | — | ib. |
| bodies corporate as well as individuals. | — | — | — | ib. |
| when forfeiture, &c. payable to party aggrieved, shall be paid to body corporate. | — | — | — | ib. |
| Interrogatory. <i>see</i> tit. "Records." | | | | |
| Ireland, when stat. 7 & 8 G. 4, c. 29, extends to - - | — | 29 | 76 | 61 |
| Iron. <i>see</i> tit. "Fixture." | | | | |
| Joint Stock Companies, property of. <i>see</i> tit. "Indictment." | | | | |
| Joint Tenants, property of. <i>see</i> tit. "Indictment." | | | | |
| Journey, offences committed on property during, where to be tried. | 7 G. 4 | 64 | 13 | 29 |
| Judgment on indictment. <i>see</i> tit. "Indictment." | | | | |
| Judicial proceedings. <i>see</i> tit. "Records." | | | | |
| Justice, power of, to admit to bail persons charged with or on suspicion of felony or misdemeanor. | — | — | 1, 3 | 26 |
| duty of, on bailing or committing persons charged with or on suspicion of felony or misdemeanor. | — | — | 2, 3 | 27 |
| power of court to fine - - - - - | — | — | 5 | ib. |
| KILLING CATTLE. <i>see</i> tit. "Cattle." | | | | |
| LAMB. <i>see</i> tit. "Cattle." | | | | |
| Landlord. <i>see</i> tit. "House." | | | | |
| Lapis Calaminaris. <i>see</i> tit. "Mine." | | | | |
| Larceny, grand and petty, distinction between, abolished - | 7 & 8 G. 4 | 29 | 2 | 46 |
| power of court to try for - - - - - | — | — | — | ib. |
| simple, punishment - - - - - | — | — | 3 | ib. |
| Lead. <i>see</i> tit. "Fixture." | | | | |
| Letter, sending letter demanding, with menaces, money, &c. threatening to accuse party of infamous crime to extort money. | — | — | 8 | 47 |
| to extort money. | — | — | — | ib. |
| Lien. <i>see</i> tit. "Agent," "Factor." | | | | |
| Limitation of summary proceedings. <i>see</i> tit. "Conviction." | | | | |
| Linen Goods. <i>see</i> tit. "Manufacture." | | | | |
| Lock, destroying any lock, sluice, floodgate, or other work on navigable river, &c.—felony. | — | 30 | 12 | 63, 64 |
| punishment - - - - - | — | — | — | ib. |
| Lodger and Lodging. <i>see</i> tit. "House." | | | | |
| Loom, destruction of goods in. <i>see</i> tit. "Felony." | | | | |
| MACHINERY, destruction of. <i>see</i> tit. "Felony." | | | | |
| Malice against owner not essential to conviction, &c. for offence under 7 & 8 G. 4, c. 30. | — | — | 25 | 66 |
| Malicious injury to property. <i>see</i> tit. "Felony." | | | | |
| Malicious trespass. <i>see</i> tit. "Injury." | | | | |
| Malthouse. <i>see</i> tit. "Felony," "Setting Fire." | | | | |
| Manganese. <i>see</i> tit. "Mine." | | | | |
| Manslaughter, duty of coroner in taking inquisition in cases of | 7 G. 4 | 64 | 4 | 27 |
| Manufacture, punishment for stealing during process of, to value of 10 <i>s</i> . any goods, article of silk, woollen, linen, or cotton, &c. | 7 & 8 G. 4 | 29 | 16 | 48 |
| Mare. <i>see</i> tit. "Cattle." | | | | |
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| Metal. <i>see</i> tit. "Fixture." | | | | |

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| Mill. <i>see</i> tit. "Felony," "Setting Fire." | | | | |
| Mill Pond, breaking down dam of—misdemeanor - - | 7 & 8 G. 4 | 30 | 15 | 64 |
| punishment - - | — | — | — | ib. |
| Mine, stealing, or severing with intent to steal, the ore of any metal, or lapis calaminaris, manganese, or munduck, wad, black cawke or black lead, coal or cannel coal, from mine, bed or vein thereof—felony. | — | 29 | 37 | 52 |
| punishment - - | — | — | — | ib. |
| drowning any mine, or filling up shaft, &c. with intent to destroy mine—felony. | — | 30 | 6 | 62 |
| not to extend to damage committed by owner of adjoining mine. | — | — | — | ib. |
| destroying any engine, erection, &c. used in any mine—felony. | — | — | 7 | 63 |
| punishment - - | — | — | — | ib. |
| Misdemeanor. <i>see</i> tit. "Receiver," &c. | | | | |
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| expenses allowed in certain cases of. <i>see</i> tit. "Expenses." | — | — | — | ib. |
| not allowed of attendance before examining magistrate. | — | — | 23 | 31 |
| abettors in, liable to be indicted and punished as principal offenders. | 7 & 8 G. 4 | 29 | 2 | 46 |
| indictment for | — | 30 | 26 | 66 |
| if prisoner refuse to plead to, court may enter plea of not guilty. | — | 28 | 2 | 44 |
| for trial of. <i>see</i> tit. "Trial." | | | | |
| Misnomer, indictment not to abate by dilatory plea of - | 7 G. 4 | 64 | 19 | 30 |
| Mortgage. <i>see</i> tit. "Embezzlement." | | | | |
| Murder, duty of coroner in taking inquisition in cases of - | — | — | 4 | 27 |
| Mute, if prisoner stand mute, effect of - - - | 7 & 8 G. 4 | 28 | 2 | 44 |
| NAVIGATION, for trial of offences committed on. <i>see</i> tit. "Voyage." | | | | |
| Notice of action. <i>see</i> tit. "Action." | | | | |
| Nursery ground. <i>see</i> tit. "Garden." | | | | |
| OFFENCES committed on boundaries of counties, may be tried in either county. | 7 G. 4 | 64 | 12 | 28 |
| committed during a journey or voyage, may be tried in any county through which the coach, &c. passed. | — | — | 13 | 29 |
| Office. <i>see</i> tit. "Felony," "Setting Fire." | | | | |
| Orchard. <i>see</i> tit. "Garden." | | | | |
| Order. <i>see</i> tit. "Records." | | | | |
| Ore. <i>see</i> tit. "Mine." | | | | |
| Out-house. <i>see</i> tit. "Felony," "Setting Fire." | | | | |
| Ox. <i>see</i> tit. "Cattle." | | | | |
| Oyster, stealing oyster or oyster-brood, from any oyster bed, &c.—larceny. | 7 & 8 G. 4 | 29 | 36 | 51 |
| punishment - - - - - | — | — | — | ib. |
| dredging for oysters within limits of oyster fishery—misdemeanor. | — | — | — | ib. |
| punishment - - - - - | — | — | — | ib. |
| not necessary to describe in indictment situation of oyster bed, &c. | — | — | — | ib. |
| not to prevent persons from fishing for floating fish. | — | — | — | ib. |
| PALE. <i>see</i> tit. "Fence." | | | | |
| Panel. <i>see</i> tit. "Record." | | | | |
| Parceners, describing property of. <i>see</i> tit. "Indictment." | | | | |
| Pardon, free or conditional, effect of - - - - | — | 28 | 13 | 45 |
| not to affect punishment on subsequent conviction. | — | — | — | ib. |
| power of King to pardon offender imprisoned - | — | 29 | 69 | 59 |
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| Partners, property of, how to be laid in indictment - - | 7 G. 4 | 64 | 14 | 29 |
| Penalty, application of money enforced as a penalty on summary conviction. | 7 & 8 G. 4 | 29 | 66 | 59 |
| when payable to party aggrieved, may be paid to body corporate. | — | 30 | 32 | 67 |
| proceedings on non-payment of - - - - | — | 28 | 14 | 46 |
| Person, punishment for robbery from - - - - | — | 29 | 67 | 59 |
| stealing from - - - - | — | 30 | 33 | 68 |
| assault on, with intent to commit robbery from. | — | 29 | 6 | 47 |
| Pigeon, unlawfully killing, &c. any house dove or pigeon, if not larceny at common law, penalty not exceeding 2 <i>l.</i> over and above value, &c. | — | — | — | ib. |
| Piracy, indictment for, effect of plea of not guilty to - - | — | — | 33 | 51 |
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| challenge of jury beyond the legal number, void - | — | — | 2 | ib. |
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| Plantation. <i>see</i> tit. "Setting Fire." | | | | |
| Plea of not guilty, effect of. <i>see</i> tit. "Trial." | | | | |
| Pleasure ground. <i>see</i> tit. "Garden." | | | | |
| Pledge. <i>see</i> tit. "Agent," "Factor." | | | | |
| Poor, property of house, goods, &c. provided for, how to be laid in indictment. | 7 G. 4 | 64 | 16 | 29 |
| Port. <i>see</i> tit. "River." | | | | |
| Post. <i>see</i> tit. "Fence." | | | | |
| Process. <i>see</i> tit. "Records." | | | | |
| Property, how to be described. <i>see</i> tit. "Indictment." | | | | |
| Pulse. <i>see</i> tit. "Setting Fire." | | | | |
| Punishment prescribed by the statute, indictment when sufficient to warrant. | — | — | 21 | 30 |
| RABBIT. <i>see</i> tit. "Hare." | | | | |
| Rail. <i>see</i> tit. "Fence." | | | | |
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| Real Estate. <i>see</i> tit. "Writings." | | | | |
| Receivers. <i>see</i> tit. "Stolen Property." | | | | |
| of stolen property | | | | |
| where original offence is felony, may be tried either as accessories <i>after</i> the fact, or for a substantive felony. | 7 & 8 G. 4 | 29 | 54 | 56 |
| punishment - - - - | — | — | — | ib. |
| party not to be prosecuted a second time for same offence. | — | — | — | ib. |
| where original offence is a misdemeanor, may be prosecuted for a misdemeanor. | — | — | 55 | 57 |
| punishment - - - - | — | — | — | ib. |
| may be tried where principal is triable, or where property is found in their possession, as well as where the receiving takes place. | — | — | 56 | ib. |
| punishment of, where the stealing, &c. is punishable on summary conviction. | — | — | 60 | 58 |
| Recognizance, duty of justices to bind witnesses by - - | 7 G. 4 | 64 | 2 | 26 |
| of witnesses, on trial of party charged with felony or misdemeanor, to be delivered by justice to officer of court. | — | — | 2, 3 | ib. |
| persons bound by, to be allowed expenses in cases of felony. | — | — | 22 | 30 |
| in certain cases of misdemeanor - | — | — | 23 | 31 |
| officers of court to make a list of, specifying the name, &c. making default. | — | — | 31 | 33 |
| list of, when forfeited, to be laid before judge, &c. | | | | |
| not to be estreated without written order of judge, &c. in cases of | — | — | — | ib. |
| felony - - - - | — | — | — | ib. |
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| common assault, | | | | |
| to answer articles of the peace - - | — | — | — | ib. |
| abide an order in bastardy - - - | — | — | — | ib. |

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| Records, stealing, or removing for fraudulent purposes, any record, writ, return, parcel, process, interrogatory, deposition, affidavit, rule, order, warrant of attorney, or any original document relating to any matter, &c. in court of record, or any bill, answer, interrogatory, deposition, affidavit, order or decree, or any original document relating to any matter, &c. in court of equity—misdemeanor. | 7 & 8 G. 4 | 29 | 21 | 49 |
| punishment for - - - - - | — | — | — | ib. |
| not necessary in indictment to allege value of article stolen, or whose property it is. | — | — | — | ib. |
| Repeal of statutes. <i>see</i> tit. "Statutes." | | | | |
| Return. <i>see</i> tit. "Records." | | | | |
| Riot, demolishing, &c. any church, chapel, house, &c., or any machinery, &c.—felony. | — | 30 | 8 | 63 |
| punishment - - - - - | — | — | — | ib. |
| River. <i>see</i> tit. "Sea Bank." | | | | |
| punishment for stealing goods, &c. in any vessel, &c. in any port, river or canal, &c. | — | 29 | 17 | 48 |
| Robbery from person, punishment for - - - - - | — | — | 6 | 47 |
| in dwelling house. <i>see</i> tit. "Dwelling-house." | | | | |
| building. <i>see</i> tit. "Building." | | | | |
| shop, warehouse or counting-house. <i>see</i> tit. "Shop, &c." | | | | |
| Root. <i>see</i> tit. "Garden." | | | | |
| Rule. <i>see</i> tit. "Records." | | | | |
| SACRILEGE, when capital - - - - - | — | — | 10 | 48 |
| punishment of - - - - - | — | — | — | ib. |
| Saplin. <i>see</i> tit. "Garden." | | | | |
| Scotland, when 7 & 8 Geo. 4, c. 29, extends to - - - | — | — | 76 | 61 |
| Sea, stat. 7 & 8 Geo. 4, c. 29, 30, extends to offences committed at. | — | — | 77 | ib. |
| Sea-bank, breaking down, &c. any sea-bank or sea-wall, or bank or wall of any river, canal or marsh—felony. | — | 30 | 43 | 70 |
| removing piles of any sea-bank, &c., or doing damage to obstruct navigation of river or canal—felony. | — | — | 12 | 63 |
| punishment - - - - - | — | — | — | 63, 64 |
| punishment - - - - - | — | — | — | ib. |
| Sea-wall. <i>see</i> tit. "Sea-Bank." | | | | |
| Search warrant, power of justice to grant - - - - - | — | 29 | 63 | 58 |
| Securities. <i>see</i> tit. "Valuable Security." | | | | |
| stealing public or private securities for money, or warrants for goods—felony - - - - - | — | 29 | 5 | 44 |
| punishment - - - - - | — | — | — | ib. |
| Servant. <i>see</i> tit. "Embezzlement." | | | | |
| or clerk stealing any chattel, &c. of master, how punishable. | — | — | 46 | 54 |
| Sessions. <i>see</i> tit. "Appeal." | | | | |
| to make regulations as to the rate of allowances to prosecutors and witnesses. | 7 G. 4 | 64 | 26 | 32 |
| Setting fire to any church or chapel, house, stable, coach-house, outhouse, warehouse, office, shop, mill, malt-house, hop-oust, barn, granary or building used in carrying on trade, &c.—felony. | 7 & 8 G. 4 | 30 | 2 | 62 |
| punishment - - - - - | — | — | — | ib. |
| to any coal mine—felony - - - - - | — | — | 5 | ib. |
| punishment - - - - - | — | — | — | ib. |
| to any stack of corn, grain, pulse, straw, hay or wood—felony. | — | — | 17 | 64 |
| punishment - - - - - | — | — | — | ib. |
| to any crop of corn, grain or pulse, or to any part of a wood, coppice, plantation of trees, heath, gorze, furze or fern—felony - - - - - | — | — | — | ib. |
| punishment - - - - - | — | — | — | ib. |
| Sewers, how property of commissioners of, to be described in indictment or information. | 7 G. 4 | 64 | 18 | 30 |
| Sheep. <i>see</i> tit. "Cattle." | | | | |
| Ship, setting fire to, or destroying—felony - - - - - | 7 & 8 G. 4 | 30 | 9 | 63 |
| punishment - - - - - | — | — | — | ib. |

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|---|-------------|------|------|-------|
| Ship, damaging, otherwise than by fire - - - - | 7 & 8 G. 4. | 30 | 10 | 63 |
| punishment - - - - | — | — | — | ib. |
| exhibiting false signals to—felony - - - - | — | — | 11 | ib. |
| punishment - - - - | — | — | — | ib. |
| destroying a ship-wrecked vessel or cargo—felony - | — | — | — | ib. |
| punishment - - - - | — | — | — | ib. |
| Shop. <i>see</i> tit. "Felony," "Setting Fire." | | | | |
| breaking and entering, and stealing therein any chattel, &c., how punishable. | — | 29 | 15 | 48 |
| Shrub. <i>see</i> tit. "Garden." | | | | |
| Silk. <i>see</i> tit. "Felony," "Manufacture." | | | | |
| Similiter, want of. <i>see</i> tit. "Indictment." | | | | |
| Sluice. <i>see</i> tit. "Lock." | | | | |
| Solitary confinement. <i>see</i> tit. "Imprisonment." | | | | |
| when court may order - - - - | — | 28 | 9 | 45 |
| | | 29 | 4 | 47 |
| Spoil. <i>see</i> tit. "Injury." | | | | |
| STATUTES: | | | | |
| 7 G. 4, c. 64 - - - - | - - - | - | . | 26 |
| 7 & 8 G. 4, 27 - - - - | - - - | - | - | 35 |
| — 28 - - - - | - - - | - | - | 44 |
| — 29 - - - - | - - - | - | - | 46 |
| — 30 - - - - | - - - | - | - | 61 |
| — 71 - - - - | - - - | - | - | 70 |
| amended and extended by 7 G. 4, c. 64 - - - | 7 G. 4 | 64 | 2 | 26 |
| 1 & 2 Ph. & M. c. 13. | | | | |
| 2 & 3 Ph. & M. c. 10. | | | | |
| repealed * by 7 G. 4, c. 64 - - - - | — | — | 32 | 33-35 |
| 3 Ed. 1, c. 15. So much as provides what persons shall not be replevi- sable, and what shall be so. | | | | |
| 7 H. 5. | | | | |
| 9 H. 5, c. 1. So much as relates to indictments and appeals in a non- existing place. | | | | |
| 18 H. 6, c. 12. So much as perpetuates the said provision of the statute last referred to. | | | | |
| 23 H. 6, c. 9. So much as relates to sheriff and other officers and minis- ters therein mentioned, letting out of prison, upon sureties, any person in custody upon indictment. | | | | |
| 1 R. 3, c. 3. | | | | |
| 3 H. 7, c. 3. So much as relates to bail or mainprize. | | | | |
| 25 H. 8, c. 3. | | | | |
| 32 H. 8, c. 3. So much as perpetuates the last-mentioned Act. | | | | |
| 2 & 3 Ed. 6, c. 24. | | | | |
| 5 & 6 Ed. 6, c. 10. | | | | |
| 1 & 2 Ph. & M. c. 13. | | | | |
| 2 & 3 Ph. & M. c. 10. | | | | |
| 4 W. & M. c. 8. | | | | |
| 10 & 11 W. 3, c. 23. So much as re- lates to certificates therein men- tioned. | | | | |
| 1 Anne, st. 2, c. 9, s. 1. So much as relates to accessories. | | | | |
| 6 Anne, (<i>Vulgo</i> 5 Anne), c. 31, except the special provision affecting the sheriffs and under-sheriffs of Lon- don and Middlesex. | | | | |
| 6 G. 1, c. 23. | | | | |
| 25 G. 2, c. 36 (s. 11). So much as re- lates to payments to prosecutors in cases of felony. | | | | |

* Except so far as any of the said Acts relate to *Scotland* or *Ireland*, or repeal the whole or any part of any other Acts, and except as to offences committed before the passing of the Act. (26 May 1826).

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| Statutes repealed by 7 G. 4, c. 64— <i>continued</i> . | 7 G. 4 | 64 | 32 | 33-35 |
| 27 G. 2, c. 3, (s. 3). So much as relates to the allowance of compensation to poor persons appearing on recognizance to give evidence against one accused of felony. | | | | |
| 18 G. 3, c. 19, (s. 7, 8). So much as relates to payments and allowances to prosecutors and other persons appearing on recognizance or subpoena to give evidence to any felony, and to rules and regulations touching the costs and charges to be allowed to such prosecutors and persons. | | | | |
| 43 G. 3, c. 59, (s. 3). So much as relates to laying the property in the surveyor of county bridges in any indictment. | | | | |
| 43 G. 3, c. 113, (s. 5). So much as relates to the trial of accessories, except the special provisions therein contained as to accessories before the fact in murder. | | | | |
| 56 G. 3, c. 73. | | | | |
| 58 G. 3, c. 70. Except so much thereof as relates to disorderly houses. | | | | |
| 59 G. 3, c. 27. | | | | |
| 59 G. 3, c. 96. | | | | |
| 1 G. 4, c. 102. | | | | |
| 3 G. 4, c. 38. So much as provides that accessories before the fact may be indicted for a misdemeanor. | | | | |
| 3 G. 4, c. 126, (s. 60). So much as relates to stating in any indictment any things to be the property of the clerk to the trustees or commissioners, as therein mentioned. | | | | |
| 6 G. 4, c. 56. | | | | |
| Statutes repealed * by 7 & 8 G. 4, c. 27 - - - - | 7 & 8 G. 4 | 27 | 1 | 35-43 |
| 9 H. 3, st. 2, c. 10. So much as relates to the punishment for taking the King's venison. | | | | |
| 3 Ed. 1, c. 2, (s. 20). So much as relates to clerks taken for guilty of felony, and to trespasses on parks and ponds. | | | | |
| 13 Ed. 1, st. 1, c. 46. So much as ordains that the towns near adjoining shall be distrained to levy at their own cost a hedge or dyke overthrown, and to yield damages. | | | | |
| 13 Ed. 1, st. 2. Except so much thereof as forbids fairs and markets being kept in church-yards. | | | | |
| 21 Ed. 1, st. 2. | | | | |
| 1 Ed. 3, st. 1, c. 8. So much as relates to trespasses in the King's forests of vert and venison. | | | | |
| 25 Ed. 3, st. 6, (<i>vulgo</i> st. 3, c. 4, 5). So much as relates to clerks convicted of treasons or felonies, and to the arraignment of clerks. | | | | |

(continued)

* Except so far as any of the said Acts repeal the whole or any part of any other Acts, and except as to offences committed before or on the last day of June 1827; and by s. 2 it is declared not to repeal such part of any Act as relates to the Post-office, or to any branch of the public revenue, or to the naval, military, victualling or other public stores of His Majesty, his heirs, &c. except the Acts of 31 Eliz. & 22 Car. 2, or shall affect or alter any Acts relating to Bank of England or South Sea Company.

18 LAWS AND ORDINANCES PASSED BY THE GOVERNOR

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| Statutes repealed by 7 & 8 G. 4, c. 27— <i>continued</i> . | 7 & 8 G. 4 | 27 | 1 | 35-43 |
| 28 Ed. 3, c. 11. So much as relates to making cry and fresh suit, and to hundreds and franchises being answerable, as therein mentioned. | | | | |
| 34 Ed. 3, c. 22. | | | | |
| 37 Ed. 3, c. 19. So much as relates to hawks. | | | | |
| 8 H. 6, c. 12, (s. 3). So much as relates to the offences of stealing, taking away, withdrawing or avoiding any record, or other like thing therein mentioned. | | | | |
| 33 H. 6, c. 1. So much as relates to servants taking and spoiling the goods of their masters after their death. | | | | |
| 1 H. 7, c. 7. | | | | |
| 4 H. 7, c. 31. | | | | |
| 21 H. 8, c. 7. | | | | |
| 21 H. 8, c. 11. | | | | |
| 23 H. 8, c. 1. | | | | |
| 23 H. 8, c. 11. | | | | |
| 31 H. 8, c. 2. | | | | |
| 33 H. 8, c. 1. | | | | |
| 34 & 35 H. 8, c. 14. | | | | |
| 35 H. 8, c. 17. | | | | |
| 37 H. 8, c. 6. | | | | |
| 37 H. 8, c. 8, (s. 2). So much as relates to persons stealing any horse, gelding, mare, foal or filly. | | | | |
| 1 Ed. 6, c. 12, (s. 10-14). So much as relates to house-breaking, robbing, horse-stealing and sacrilege, and to the allowance of the benefit of clergy in any case therein mentioned. | | | | |
| 2 & 3 Ed. 6, c. 33. | | | | |
| 5 & 6 Ed. 6, c. 9. | | | | |
| 4 & 5 Ph. & M. c. 4. So much as relates to accessories to any robbery or burning therein mentioned. | | | | |
| 5 Eliz. c. 10. | | | | |
| 5 Eliz. c. 21. | | | | |
| 8 Eliz. c. 4. | | | | |
| 13 Eliz. c. 25, (s. 13. 18. 19). So much as alters and perpetuates the Act of the 35 H. 8. | | | | |
| 18 Eliz. c. 7. So much as relates to burglary, and to persons admitted to the benefit of clergy. | | | | |
| 27 Eliz. c. 13. | | | | |
| 31 Eliz. c. 4. | | | | |
| 31 Eliz. c. 12, (s. 5). So much as enacts that all accessories to horse-stealing shall be deprived of the benefit of clergy, | | | | |
| 39 Eliz. c. 15. | | | | |
| 43 Eliz. c. 7. | | | | |
| 43 Eliz. c. 13. | | | | |
| 2 Jac. 1, c. 27. So much as relates to house-doves, pigeons and deer. | | | | |
| 3 Jac. 1, c. 13. | | | | |
| 7 Jac. 1, c. 13. | | | | |
| 15 Car. 2, c. 2. | | | | |
| 22 Car. 2, c. 5. | | | | |
| 22 & 23 Car. 2, c. 7. | | | | |
| 22 & 23 Car. 2, c. 11, (s. 12). So much as relates to the wilful destruction of any ship by any of the persons belonging to it, as therein mentioned. | | | | |

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| Statutes repealed by 7 & 8 G. 4, c. 27— <i>continued</i> . | 7 & 8 G. 4 | 27 | 1 | 35-43 |
| 22 & 23 Car. 2, c. 25 (except s. 1 to 3.) So far as relates to all subjects therein mentioned, except the appointment and powers of game-keepers, search-warrants, and the description of persons who are thereby declared to be persons not allowed to have or keep for themselves, or any other person, any guns, bows, grey-hounds or other animals or things therein enumerated. | | | | |
| 3 W. & M. c. 9. | | | | |
| 4 W. & M. c. 23. So much as relates to pigeons and fish, and to persons wrongfully fishing, and to all instruments and engines for destroying fish, and to the burning of any grig, ling, heath, furze, goss or fern. | | | | |
| 4 W. & M. c. 24, s. 13. So much as explains the said recited Act of the third year of the same reign. | | | | |
| 10 W. 3, c. 12, (<i>vulgo</i> 10 & 11 W. 3, c. 33). Except so much thereof as relates to fees for discharging recognizances and drawing bills of indictment, and to defective bills of indictment. | | | | |
| 1 Anne, st. 2, c. 9. Except so much thereof as relates to witnesses on behalf of the prisoner upon any trial for treason or felony. | | | | |
| 6 Anne, c. 9, (<i>vulgo</i> 5 Anne, c. 6.) | | | | |
| 12 Anne, st. 1, c. 7. | | | | |
| 13 Anne, c. 21, (<i>vulgo</i> 12 Anne, st. 2, c. 18,) (s. 4 & 5). So much as relates to any person upon whom any goods stolen or carried off from any vessel in distress shall be found, and to the several offences touching vessels in distress, which are thereby made capital felonies. | | | | |
| 1 G. 1, st. 2, c. 5, s. 4 & 6. So much as relates to any rioters demolishing or pulling down, or beginning to demolish or pull down, any of the buildings therein mentioned, and to the liability of the inhabitants of the hundred, city or town in which the damage shall be done, to yield damages to the party injured. | | | | |
| 1 G. 1, st. 2, c. 48. | | | | |
| 4 G. 1, c. 11. Except so much thereof as relates to the trial of piracy, felony or robbery committed within the Admiralty jurisdiction. | | | | |
| 5 G. 1, c. 28. | | | | |
| 6 G. 1, c. 16. | | | | |
| 9 G. 1, c. 22. | | | | |
| 2 G. 2, c. 25, (s. 3.) So much as relates to the stealing, or taking by robbery any orders or other securities therein enumerated. | | | | |
| 4 G. 2, c. 32. | | | | |
| 6 G. 2, c. 37. | | | | |
| 8 G. 2, c. 16. | | | | |
| — c. 20. | | | | |
| 10 G. 2, c. 32. Except so much thereof as relates to wild fowl. | | | | |

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| Statutes repealed by 7 & 8 G. 4, c. 27— <i>continued</i> . | 7 & 8 G. 4 | 27 | 1 | 35-43 |
| 11 G. 2, c. 22 (s. 5 to the end). So much as relates to the liability of the inhabitants of hundreds. | | | | |
| 13 G. 2, c. 21. | | | | |
| 14 G. 2, c. 6. | | | | |
| 15 G. 2, c. 34. | | | | |
| 22 G. 2, c. 24. | | | | |
| 22 G. 2, c. 46, s. 34. So much as relates to writs of execution against the inhabitants of hundreds, and the proceedings thereupon. | | | | |
| 24 G. 2, c. 45. | | | | |
| 25 G. 2, c. 10. | | | | |
| 25 G. 2, c. 36, (s. 1.) So much as relates to the advertisements therein prohibited. | | | | |
| 26 G. 2, c. 19, (s. 1, 2, 3, 4 & 8.) So much as relates to any of the felonies therein mentioned, and to search-warrants, and to property belonging to any vessel lost, stranded or cast on shore, being found on any place, or in the possession of any person, and to any person offering or exposing to sale any such property as therein respectively mentioned. | | | | |
| 28 G. 2, c. 19, (s. 3.) So much as relates to persons burning or destroying goss, furze or fern, in forests or chases. | | | | |
| 29 G. 2, c. 30. | | | | |
| 29 G. 2, c. 36, (s. 6, 7, 8, 9.) So much as relates to the remedy for the recovery of damages against the inhabitants of the adjoining parishes, towns, hamlets, villages or places, and to the punishment of the several offences relating to trees, and to the explanation respecting the three Acts of King George the First, as therein respectively mentioned. | | | | |
| 30 G. 2, c. 24, (s. 1.) So much as relates to obtaining by false pretence or pretences any property as therein mentioned. | | | | |
| 31 G. 2, c. 35. | | | | |
| 2 G. 3, c. 29. | | | | |
| 4 G. 3, c. 12. | | | | |
| 4 G. 3, c. 31. | | | | |
| 5 G. 3, c. 14. | | | | |
| 6 G. 3, c. 36. | | | | |
| 6 G. 3, c. 48. | | | | |
| 9 G. 3, c. 29. | | | | |
| 9 G. 3, c. 41. | | | | |
| 10 G. 3, c. 18. | | | | |
| 10 G. 3, c. 48. | | | | |
| 13 G. 3, c. 31, (s. 4 & 5.) As relates to the prosecution and punishment of persons for theft or larceny, and for recovery, or having any stolen property as therein mentioned. | | | | |
| 13 G. 3, c. 32. | | | | |
| 13 G. 3, c. 33. | | | | |
| 16 G. 3, c. 30. | | | | |
| 19 G. 3, c. 74. Except so much thereof as relates to the judge's lodgings. | | | | |
| 21 G. 3, c. 68. | | | | |
| 21 G. 3, c. 69. | | | | |

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| Statutes repealed by 7 & 8 G. 4, c. 27— <i>continued</i> . | 7 & 8 G. 4 | 27 | 1 | 35-43 |
| 22 G. 3, c. 58. | | | | |
| 31 G. 3, c. 35. | | | | |
| 31 G. 3, c. 51. | | | | |
| 33 G. 3, c. 67. So much as relates to persons who shall wilfully and maliciously set fire to, or destroy or damage, otherwise than by fire, any ship, keep or other vessel. | | | | |
| 36 G. 3, c. 9, (s. 3 to end.) So much as relates to the liability of the inhabitants of hundreds. | | | | |
| 39 G. 3, c. 85. | | | | |
| 39 & 40 G. 3, c. 77, (s. 1 & 5.) So much as declares what persons shall be deemed and adjudged to be guilty of a misdemeanor, and as relates to any person who shall steal, or take away, or break, destroy, damage or embezzle any article not exceeding the value of 5s. as therein mentioned, or shall break, destroy or damage any waggon, cart or other carriage, as therein mentioned. | | | | |
| 41 G. 3, c. 24 ; (U. K.) | | | | |
| 42 G. 3, c. 67. | | | | |
| 42 G. 3, c. 107. | | | | |
| 43 G. 3, c. 58, (part of s. 1.) So much as relates to the setting fire to any of the buildings therein enumerated. | | | | |
| 43 G. 3, c. 113. Except so much thereof as specially relates to accessories before the fact in murder, and to manslaughter. | | | | |
| 44 G. 3, c. 92, (s. 7, 8.) So much as relates to the prosecution and punishment of persons for theft or larceny, and for receiving or having any stolen property, as therein mentioned. | | | | |
| 45 G. 3, c. 66. | | | | |
| 48 G. 3, c. 129. | | | | |
| 48 G. 3, c. 144. | | | | |
| 51 G. 3, c. 41. | | | | |
| 51 G. 3, c. 120. | | | | |
| 52 G. 3, c. 63. | | | | |
| 52 G. 3, c. 64. | | | | |
| 52 G. 3, c. 130. | | | | |
| 53 G. 3, c. 162. So much as relates to the punishment of larceny. | | | | |
| 53 G. 3, c. 125. | | | | |
| 57 G. 3, c. 19, (s. 38.) So much as relates to the liability of the inhabitants of the city, town or hundred to yield compensation to the party injured, as therein mentioned. | | | | |
| 1 G. 4, c. 56. | | | | |
| 1 G. 4, c. 115. Except so much thereof as relates to the offences made capital by the Act of Queen Elizabeth therein mentioned. | | | | |
| 1 G. 4, c. 117. | | | | |
| 3 G. 4, c. 24. | | | | |
| 3 G. 4, c. 33. | | | | |
| 3 G. 4, c. 38. Except so far as relates to manslaughter. | | | | |
| 3 G. 4, c. 114. So much as relates to the punishment for receiving stolen goods, and for obtaining any property, as therein mentioned, by false pretences. | | | | |

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| Statutes repealed by 7 & 8 G. 4, c. 97— <i>continued</i> . | 7 & 8 G. 4 | 27 | 1 | 35-43 |
| 3 G. 4, c. 126, (s. 128.) So much as creates any felony. | | | | |
| 4 G. 4, c. 46. Except so far as relates to the felonies created by the Acts of the 27 G. 2, and 3 G. 3, therein recited. | | | | |
| 4 G. 4, c. 53. Except so far as relates to any person convicted of stealing or smuggling His Majesty's ammunition, sails, cordage, or naval or military stores, or of being accessory to any such offence. | | | | |
| 4 G. 4, c. 54. Except so far as relates to any person who shall send or deliver any letter or writing, threatening to kill or murder, or to burn or destroy, as therein mentioned, or shall be accessory to any such offence, or shall forcibly rescue any person being lawfully in custody for any such offence. | | | | |
| 6 G. 4, c. 19. | | | | |
| 6 G. 4, c. 94, (s. 7, 8, 9 & 10.) So much as relates to any misdemeanor therein mentioned. | | | | |
| 7 G. 4, c. 69. | | | | |
| amended and extended by 7 & 8 G. 4, c. 71. | | | | |
| 11 & 12 W. 3 - - - - - | 7 & 8 G. 4 | 71 | 7 | 74 |
| 12 G. 1, c. 29 - - - - - | — | — | 1 | 70 |
| 5 G. 2, c. 27 - - - - - | — | — | — | ib. |
| 19 G. 3, c. 70 - - - - - | — | — | — | 71 |
| — provisions of, extended to all actions where the cause of action shall not amount to 20 <i>l</i> . | — | — | 6 | 73 |
| 43 G. 3, c. 46 - - - - - | — | — | 1 | 71 |
| repealed by 7 & 8 G. 4, c. 71, s. 6 - - - | — | — | 6 | 73 |
| So much of any Act or Acts theretofore passed for the recovery of debts within certain districts and jurisdictions, which may have authorized the arrest and imprisonment of defendants when the cause of action amounts to less than 20 <i>l</i> . | | | | |
| Stealing goods, &c. from any vessel, &c. <i>see</i> tit. "Vessel." to amount of 10 <i>s</i> . during process of manufacture. <i>see</i> tit. "Manufacture." | | | | |
| Stolen Property, owner of, prosecuting thief or receiver to conviction, in what case he shall have restitution of his property. | — | 29 | 57 | 57 |
| in what not - - - - - | — | — | — | ib. |
| taking a reward for helping to recovery of, without bringing offender to trial—felony. | — | — | 58 | ib. |
| punishment - - - - - | — | — | — | ib. |
| advertising or printing advertisement, offering reward for return of, and purporting that no questions will be asked, &c., penalty 50 <i>l</i> . | — | — | 59 | ib. |
| party offering may be apprehended - - | — | — | 63 | 58 |
| Straw. <i>see</i> tit. "Setting Fire." | | | | |
| Summary Conviction. <i>see</i> tit. "Conviction." | | | | |
| Summons (upon meane process) under 7 & 8 G. 4, c. 71, to be served personally. | — | 71 | 5 | 72, 73 |
| form of - - - - - | — | — | — | ib. |
| TENANT. <i>see</i> tit. "House." | | | | |
| Tenant in Common, describing property of. <i>see</i> tit. "Indictment." | | | | |
| Testamentary Instrument. <i>see</i> tit. "Will." | | | | |
| Threshing-machine. <i>see</i> tit. "Felony." | | | | |

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| Treason. <i>see</i> tit. "Trial." | | | | |
| indictment for - - - - - | 7 & 8 G. 4 | 28 | 1 | 44 |
| effect of plea of not guilty to - - - - - | — | — | — | ib. |
| refusal to plead to - - - - - | — | — | 2 | ib. |
| challenge of jury, beyond legal number, void - | — | — | 3 | ib. |
| Treasurer of county, order upon, for payment of expenses of prosecutions. | 7 G. 4 | 64 | 24 | 31 |
| Tree. <i>see</i> tit. "Garden." | | | | |
| Trial for criminal offences - - - - - | 7 & 8 G. 4 | 28 | 1 | 44 |
| plea of not guilty, without further form, shall put prisoner on his trial in cases of treason. | — | — | — | ib. |
| felony - - - - - | — | — | — | ib. |
| piracy - - - - - | — | — | — | ib. |
| if prisoner stand mute, or refuse to plead, court may order plea of not guilty to be entered in cases of treason. | — | — | 2 | ib. |
| felony - - - - - | — | — | — | ib. |
| piracy - - - - - | — | — | — | ib. |
| misdemeanor - - - - - | — | — | — | ib. |
| every peremptory challenge of jury beyond the number allowed by law, shall be void in cases of treason. | — | — | 3 | ib. |
| felony - - - - - | — | — | — | ib. |
| piracy - - - - - | — | — | — | ib. |
| jury shall not be charged to inquire of prisoner's lands, &c. nor whether he fled in case of treason. | — | — | 5 | ib. |
| felony - - - - - | — | — | — | ib. |
| of offences committed on boundaries of counties - | 7 G. 4 | 64 | 12 | 28 |
| during a journey or voyage - | — | — | 13 | 29 |
| Trustee. <i>see</i> tit. "Embezzlement," "Indictment." | | | | |
| Turnpike-gate: injury to turnpike-gate or any wall, chain, &c. belonging thereto, or any house, &c. erected for collection of toll—misdemeanor. | 7 & 8 G. 4 | 30 | 14 | 64 |
| punishment - - - - - | — | — | — | ib. |
| Turnpike-road, how property of trustees of to be described in indictment or information. | 7 G. 4 | 64 | 17 | 30 |
| UNDERWOOD. <i>see</i> tit. "Garden." | | | | |
| VALUABLE SECURITY: | | | | |
| to include any tally, order, or other security entitling or evidencing title to any share, &c. in any public stock, &c. or in any fund of any body corporate, &c. or to any deposit in saving banks. | 7 & 8 G. 4 | 29 | 5 | 47 |
| debenture - - - | — | — | — | ib. |
| deed - - - | | | | |
| bond - - - | | | | |
| bill - - - | | | | |
| note - - - | | | | |
| warrant - - - | — | — | — | ib. |
| order or other security | | | | |
| warrant or order for delivery or transfer of goods, &c. - | — | — | — | ib. |
| Vegetable production. <i>see</i> tit. "Garden." | | | | |
| stealing or destroying, &c. any cultivated root or plant used for food of man or beast, or for medicine, or for distilling, dying, or in the course of manufacture, and growing in land not being a garden, orchard or nursery ground. | — | — | 43 | 54 |
| first offence, imprisonment not exceeding one calendar month, or penalty not exceeding 20 s. over and above value of articles, &c. and, in default of payment, imprisonment not exceeding one calendar month, unless, &c. | — | — | — | ib. |
| second offence, imprisonment not exceeding six calendar months and whipping. | — | — | — | ib. |
| destroying or damaging, &c. any cultivated root or plant, &c. as above, with same punishment. | — | 30 | 22 | 65 |
| Venison. <i>see</i> tit. "Deer." | | | | |

(continued)

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| Venue, in proceedings against persons acting under 7 & 8 G. 4, c. 29, 30. | 7 & 8 G. 4 | 29 | 75 | 61 |
| Verdict, what defects shall not vitiate indictment, or stay or reverse judgment after verdict. | 7 G. 4 | 30 | 41 | 69 |
| Vessel, punishment for stealing goods or merchandize from, in a port, river or canal, &c. | 7 & 8 G. 4 | 64 | 20-1 | 30 |
| Voyage, offences committed on property during, may be tried in any county through which the vessel, &c. passed. | 7 & 8 G. 4 | 29 | 17 | 48 |
| | 7 G. 4 | 64 | 13 | 29 |
| WAD. <i>see</i> tit. "Mine." | | | | |
| Waggon, for trial of offences committed on property in, during journey of. <i>see</i> tit. "Journey," | | | | |
| Warehouse. <i>see</i> tit. "Felony," "Setting Fire." | | | | |
| breaking and entering and stealing therein any chattel, &c. punishment for. | 7 & 8 G. 4 | 29 | 15 | 48 |
| Warrant, party in the act of committing offence may be apprehended without. | — | 29 | 63 | 58 |
| Warrant of attorney. <i>see</i> tit. "Records." | | 30 | 28 | 67 |
| Warren. <i>see</i> tit. "Hare." | | | | |
| Will: stealing or fraudulently destroying will, codicil, or testamentary instrument, a misdemeanor. | — | 29 | 22 | 49 |
| punishment - - - - - | — | - | - | ib. |
| not necessary in indictment to allege value or property - | — | - | - | ib. |
| provisions of stat. 7 & 8 G. 4, c. 29, not to lessen remedy which aggrieved now has. | — | - | 24 | 50 |
| Witness, in charge of felony and misdemeanor to be bound by recognizance to appear at trial. | 7 G. 4 | 64 | 2, 3 | 26 |
| power of coroner to bind by recognizance to appear on trial on inquisition of murder or manslaughter. | — | - | 4 | 27 |
| competency of, on summary convictions - - - | 7 & 8 G. 4 | 29 | 64 | 58 |
| | | 30 | 29 | 67 |
| Wood. <i>see</i> tit. "Setting Fire." | | | | |
| Wood-work. <i>see</i> tit. "Fixture." | | | | |
| Woollen goods. <i>see</i> tit. "Manufacture." | | | | |
| Wreck: punishment by plundering any part of tackle or cargo of shipwrecked vessel. | — | 29 | 18 | 48, 49 |
| when offender may be prosecuted for simple larceny - | — | - | - | ib. |
| where offence may be tried - - - - - | — | - | - | ib. |
| liabilities of persons in possession of shipwrecked goods, found by virtue of search warrant, not giving satisfactory account thereof. | — | - | 19 | 49 |
| shipwrecked goods offered for sale may be seized - - | — | - | 20 | 49 |
| notice to be given to justice of peace - - - | — | - | - | ib. |
| party offering to be summoned - - - - - | — | - | - | ib. |
| liability of, if possession not satisfactorily accounted for. | — | - | - | ib. |
| Writ. <i>see</i> tit. "Record." | | | | |
| Writ (upon mesne process.) <i>see</i> tit. "Distringas." | | | | |
| Writings relating to real estates: | | | | |
| persons stealing, guilty of misdemeanor - - - | — | - | 23 | 49, 50 |
| punishment - - - - - | — | - | - | ib. |
| requisites of indictment - - - | — | - | - | ib. |
| provisions of stat. 7 & 8 G. 4, c. 29, not to lessen remedy, which party aggrieved now has. | — | - | 24 | 50 |

ACTS AND ORDINANCES
OF THE
GOVERNOR AND COUNCIL OF
NEW SOUTH WALES.

ANNO NONO GEORGII IV. REGIS.

(No. 1.)

By His Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council.

AN ACT for adopting certain Acts of Parliament, passed during the Seventh and Eighth Years of His present Majesty King George the Fourth, for the Amendment of the Law, and the Improvement of the Administration of Justice in Criminal Cases.—26th March 1828.

WHEREAS since the appointment of a legislature in New South Wales, in pursuance of the Act of Parliament in such case made and provided, divers Acts of Parliament have been made for repealing various statutes in England, relative to the benefit of clergy, and for amending the laws and improving the administration of justice in criminal cases, and it is expedient that the same should be adopted and applied in New South Wales; Be it therefore enacted by His Excellency the Governor, with the advice of the Legislative Council, that the following Acts of Parliament; that is to say, an Act made in the seventh year of His Majesty King George the Fourth, intituled, "An Act for improving the Administration of Criminal Justice in England;" an Act made in the seventh and eighth years of His said Majesty, intituled, "An Act for repealing various Statutes in England, relative to the benefit of Clergy, and to Larceny and other Offences connected therewith, and to malicious Injuries to Property, and to Remedies against the Hundred;" an Act made in the seventh and eighth years of His said Majesty, intituled, "An Act for further improving the Administration of Justice in Criminal Cases in England;" an Act made in the seventh and eighth years of His said Majesty, intituled, "An Act for consolidating and amending the Laws in England relative to Larceny, and other Offences connected therewith;" and an Act made and passed in the seventh and eighth years of His said Majesty, intituled, "An Act for consolidating and amending the laws in England relative to malicious Injuries to Property," shall be, and the same are hereby directed to be adopted in New South Wales and its dependencies, and applied in the administration of justice, in like manner as other parts of the criminal laws of England are adopted and applied in the said colony.

4 Geo. 4, c. 96, referred to.

Acts of Parliament to be adopted and applied in New South Wales.

7 Geo. 4, c. 64.

7 & 8 Geo. 4, c. 27.

7 & 8 Geo. 4, c. 28.

7 & 8 Geo. 4, c. 29.

7 & 8 Geo. 4, c. 30.

II. And be it enacted, that this Act shall commence and take effect on the 1st day of April 1828, except as to offences and other matters committed or done before the said 1st day of April, which shall be dealt with and punished as if this Act had not been passed.

And to take effect from the 1st April 1828.

Ralph Darling.

Passed the Legislative Council, this 26th Day of March 1828,

T. De La Condamine,

Clerk of the Council.

ANNO SEPTIMO GEORGII IV. REGIS, c. 64.

AN ACT for improving the Administration of Criminal Justice in England.—
26th May 1826.

WHEREAS it is expedient to define under what circumstances persons may be admitted to bail in cases of felony, and to make better provision for taking examinations, informations, bailments and recognizances, and returning the same to the proper tribunals; and whereas the technical strictness of criminal proceedings might in many instances be relaxed, so as to ensure the punishment of the guilty, ~~without depriving the accused of any just means of defence, and the administration~~ of justice in that part of the United Kingdom called England might in other respects be rendered more effectual: be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that where any person shall be taken on a charge of felony, or suspicion of felony, before one or more justice or justices of the peace, and the charge shall be supported by positive and credible evidence of the fact, or by such evidence as, if not explained or contradicted, shall, in the opinion of the justice or justices, raise a strong presumption of the guilt of the person charged, such person shall be committed to prison by such justice or justices in the manner hereinafter mentioned; but if there shall be only one justice present, and the whole evidence given before him shall be such as neither to raise a strong presumption of guilt, nor to warrant the dismissal of the charge, such justice shall order the person charged to be detained in custody until he or she shall be taken before two justices at the least; and where any person so taken, or any person in the first instance taken before two justices of the peace, shall be charged with felony or on suspicion of felony, and the evidence given in support of the charge shall, in their opinion, not be such as to raise a strong presumption of the guilt of the person charged, and to require his or her committal, or such evidence shall be adduced on behalf of the person charged as shall, in their opinion, weaken the presumption of his or her guilt, but there shall notwithstanding appear to them, in either of such cases, to be sufficient ground for judicial inquiry into his or her guilt, the person charged shall be admitted to bail by such two justices, in the manner hereinafter mentioned; provided always, that nothing herein contained shall be construed to require any such justice or justices to hear evidence on behalf of any person so charged as aforesaid, unless it shall appear to him or them to be meet and conducive to the ends of justice to hear the same.

Who may be admitted to bail on a charge of felony, and who may not.
(3 Ed. 1, c. 15;
23 H. 6, c. 9.)

1 & 2 P. & M. c. 13.

2 & 3 P. & M. c. 10.

Before any person charged with felony, &c. shall be bailed or committed, the justices shall take down in writing the examination, &c. and bind witnesses to appear at the trial.

Examinations, &c. to be delivered to the court.

Duty of justice on charges of misdemeanor.

II. And whereas it is expedient to amend and extend the provisions of two Acts, the first passed in the first and second years of the reign of King Phillip and Queen Mary, intituled, "An Act appointing an Order to Justices of Peace for the Bailment of Prisoners," and the second passed in the second and third years of the same reign, intituled, "An Act to take Examination of Prisoners suspected of Manslaughter or Felony;" be it therefore enacted, that the two justices of the peace, before they shall admit to bail, and the justice or justices, before he or they shall commit to prison any person arrested for felony or on suspicion of felony, shall take the examination of such person, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing; and the two justices shall certify such bailment in writing; and every such justice shall have authority to bind by recognizance all such persons as know or declare any thing material touching any such felony or suspicion of felony, to appear at the next court of oyer and terminer, or gaol delivery, or superior criminal court of a county palatine, or great sessions, or sessions of the peace at which the trial thereof is intended to be, then and there to prosecute or give evidence against the party accused; and such justices and justice respectively shall subscribe all such examinations, informations, bailments and recognizances, and deliver or cause the same to be delivered to the proper officer of the court in which the trial is to be, before or at the opening of the court.

III. And be it further enacted, that every justice of the peace before whom any person shall be taken on a charge of misdemeanor, or suspicion thereof, shall take the examination of the person charged, and the information upon oath of those who shall

shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing before he shall commit to prison or require bail from the person so charged, and in every case of bailment shall certify the bailment in writing; and shall have authority to bind all persons by recognizance to appear to prosecute or give evidence against the party accused, in like manner as in cases of felony; and shall subscribe all examinations, informations, bailments and recognizances, deliver or cause the same to be delivered to the proper officer of the court in which the trial is to be, before or at the opening of the court, in like manner as in cases of felony.

IV. And be it further enacted, that every coroner, upon any inquisition before him taken, whereby any person shall be indicted for manslaughter or murder, or as an accessory to murder before the fact, shall put in writing the evidence given to the jury before him, or as much thereof as shall be material; and shall have authority to bind by recognizance all such persons as know or declare any thing material touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the next court of oyer and terminer, or gaol delivery, or superior criminal court of a county palatine, or great sessions at which the trial is to be, then and there to prosecute or give evidence against the party charged; and every such coroner shall certify and subscribe the same evidence, and all such recognizances, and also the inquisition before him taken, and shall deliver the same to the proper officer of the court in which the trial is to be, before or at the opening of the court.

Duty of coroner.
(1 & 2 P. & M. c. 13, s. 5.)

V. And be it further enacted, that if any justice or coroner shall offend in any thing contrary to the true intent and meaning of these provisions, the court to whose officer any such examination, information, evidence, bailment, recognizance or inquisition ought to have been delivered, shall, upon examination and proof of the offence in a summary manner, set such fine upon every such justice or coroner as the court shall think meet.

Penalty on justices and coroners.
(1 & 2 P. & M. c. 13, s. 5.)

VI. And be it further enacted, that all these provisions relating to justices and coroners shall apply to the justices and coroners not only of counties at large, but also of all other jurisdictions.

Provisions to apply to all justices and coroners.
(1 & 2 P. & M. c. 13, s. 6.)

VII. And whereas divers statutes taking away the benefit of clergy, or creating felonies without benefit of clergy, have omitted to take away the benefit of clergy under certain circumstances consequent upon the indictment of the offender: and whereas a partial remedy for such defects was supplied by an Act passed in the third year of the reign of King William and Queen Mary, intituled, "An Act to take away Clergy from some Offenders, and to bring others to Punishment," whereby it was enacted, that if any person should be indicted of any offence for which, by virtue of any former statute, such person was excluded from the benefit of clergy, if convicted by verdict or confession, such person should not be admitted to the benefit of clergy under any of the circumstances therein enumerated: and whereas it is expedient to extend the like remedy to all offences which now are or hereafter shall be excluded from the benefit of clergy; be it therefore enacted, that if any person shall be indicted of any offence for which, by virtue of this or of any other statute or statutes made or to be made, the offender is or shall be excluded from the benefit of clergy, such person shall be equally excluded from the benefit of clergy, whether he or she shall be convicted by verdict or by confession, or shall upon arraignment stand mute of malice, or will not answer directly to the charge, or shall challenge peremptorily above the number of twenty persons returned to be of the jury, or shall be outlawed upon such indictment, although the statute or statutes taking away the benefit of clergy in any such case may not expressly provide that the offender shall be excluded from the benefit of clergy in case such offender shall confess, or stand mute, or not answer directly, or challenge peremptorily above the number of twenty persons returned to be of the jury, or be outlawed; and every thing herein contained shall extend as well to all accessories as to principals.

3 W. & M. c. 9, s. 2.)

Felonies without benefit of clergy provided for under all circumstances consequent on the indictment.
(3 W. & M. c. 9, s. 2; 12 G. 3, c. 20.)

VIII. And, with regard to clergyable felonies, be it enacted, that if any person shall be indicted of any felony for which the offender is or shall be entitled to the benefit of clergy, and such person shall on arraignment confess the felony, or stand mute of malice, or will not answer directly to the charge, or shall challenge peremptorily above the number of twenty persons returned to be of the jury, or shall be outlawed upon such indictment, in every such case such person shall be deemed

Felonies within benefit of clergy provided for under all circumstances consequent on the indictment.
(12 G. 3, c. 20.)

deemed and taken to be convicted of the felony, and the court shall award such judgment as if such person had been convicted by verdict ; and every thing herein contained shall extend as well to all accessories as to principals.

Accessory before the fact may be tried as such, or as a substantive felon, by any court which has jurisdiction to try the principal felon, although the offence be committed on the seas or abroad.

(43 G. 3, c. 113, s. 5.)

IX. And, for the more effectual prosecution of accessories before the fact to felony, be it enacted, that if any person shall counsel, procure or command any other person to commit any felony, whether the same be a felony at common law, or by virtue of any statute or statutes made or to be made, the person so counselling, procuring or commanding, shall be deemed guilty of felony, and may be indicted and convicted, either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished ; and the offence of the person so counselling, procuring, or commanding, howsoever indicted, may be inquired of, tried, determined and punished by any court which shall have jurisdiction to try the principal felon, in the same manner as if such offence had been committed at the same place as the principal felony, although such offence may have been committed either on the high seas or at any place on land, whether within His Majesty's dominions or without ; and that in case the principal felony shall have been committed within the body of any county, and the offence of counselling, procuring or commanding shall have been committed within the body of any other county, the last-mentioned offence may be inquired of, tried, determined and punished in either of such counties : provided always, that no person who shall be once duly tried for any such offence, whether as an accessory before the fact or as for a substantive felony, shall be liable to be again indicted or tried for the same offence.

If the offences be committed in different counties, accessory may be tried in either.

(2 & 3 Ed. 6, c. 24, s. 4 ; 43 G. 3, c. 113, s. 5.)

Accessory after the fact may be tried by any court which has jurisdiction to try the principal felon.

X. And, for the more effectual prosecution of accessories after the fact to felony, be it enacted, that if any person shall become an accessory after the fact to any felony, whether the same be a felony at common law, or by virtue of any statute or statutes made or to be made, the offence of such person may be inquired of, tried, determined and punished by any court which shall have jurisdiction to try the principal felon, in the same manner as if the act, by reason whereof such person shall have become an accessory, had been committed at the same place as the principal felony, although such act may have been committed either on the high seas or at any place on land, whether within His Majesty's dominions or without ; and that in case the principal felony shall have been committed within the body of any county, and the act by reason whereof any person shall have become accessory, shall have been committed within the body of any other county, the offence of such accessory may be inquired of, tried, determined and punished in either of such counties : provided always, that no person who shall be once duly tried for any offence of being an accessory, shall be liable to be again indicted or tried for the same offence.

If the offences be committed in different counties, accessory may be tried in either.

(2 & 3 Ed. 6, c. 34, s. 4.)

Accessory may be prosecuted after conviction of the principal, though the principal be not attainted, &c.

(1 Anne, st. 2, c. 9, s. 1.)

XI. And, in order that all accessories may be convicted and punished in cases where the principal felon is not attainted, be it enacted, that if any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die or be admitted to the benefit of clergy, or pardoned, or otherwise delivered before attainder ; and every such accessory shall suffer the same punishment if he or she be in anywise convicted, as he or she should have suffered if the principal had been attainted.

Offences committed on the boundaries of counties may be tried in either county.

(59 G. 3, c. 96, s. 2.)

XII. And, for the more effectual prosecution of offences committed near the boundaries of counties, or partly in one county and partly in another, be it enacted, that where any felony or misdemeanor shall be committed on the boundary or boundaries of two or more counties, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one county and completed in another, every such felony or misdemeanor may be dealt with, inquired of, tried, determined, and punished in any of the said counties, in the same manner as if it had been actually and wholly committed therein.

XIII. And

XIII. And for the more effectual prosecution of offences committed during journeys from place to place, be it enacted, that where any felony or misdemeanor shall be committed on any person, or on or in respect of any property in or upon any coach, waggon, cart, or other carriage whatever employed in any journey, or shall be committed on any person, or on or in respect of any property on board any vessel whatever employed on any voyage or journey upon any navigable river, canal or inland navigation, such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished in any county through any part whereof such coach, waggon, cart, carriage or vessel shall have passed in the course of the journey or voyage during which such felony or misdemeanor shall have been committed, in the same manner as if it had been actually committed in such county; and in all cases where the side, centre, or other part of any highway, or the side, bank, centre, or other part of any such river, canal or navigation, shall constitute the boundary of any two counties, such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished in either of the said counties through or adjoining to or by the boundary of any part whereof such coach, waggon, cart, carriage or vessel shall have passed, in the course of the journey or voyage during which such felony or misdemeanor shall have been committed, in the same manner as if it had been actually committed in such county.

Offences committed during a journey or voyage may be tried in any county through which the coach, &c. passed.
(59 G. 3, c. 27, and c. 96.)

XIV. And in order to remove the difficulty of stating the names of all the owners of property in the case of partners and other joint owners, be it enacted, that in any indictment or information for any felony or misdemeanor, wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint-tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named, and another or others, as the case may be; and whenever, in any indictment or information for any felony or misdemeanor, it shall be necessary to mention, for any purpose whatsoever, any partners, joint-tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision shall be construed to extend to all joint-stock companies and trustees.

In indictments for offences committed on the property of partners, it may be laid in any one partner by name, and others.
(56 G. 3, c. 73; 1 G. 4, c. 102; 6 G. 4, c. 56.)

XV. And with respect to the property of counties, ridings and divisions, be it enacted, that in any indictment or information for any felony or misdemeanor committed in, upon, or with respect to any bridge, court, gaol, house of correction, infirmary, asylum, or other building erected or maintained, in whole or in part, at the expense of any county, riding or division, or on or with respect to any goods or chattels whatsoever, provided for or at the expense of any county, riding or division, to be used for making, altering or repairing any bridge, or any highway at the ends thereof, or any court or other such building as aforesaid, or to be used in or with any such court or other building, it shall be sufficient to state any such property, real or personal, to belong to the inhabitants of such county, riding or division; and it shall not be necessary to specify the names of any of such inhabitants.

Property belonging to counties, &c. may be laid in the inhabitants of the county.
(43 G. 3, c. 59, s. 3.)

XVI. And with respect to the property of parishes, townships and hamlets, be it enacted, that in any indictment or information for any felony or misdemeanor committed in, upon or with respect to any workhouse or poorhouse, or on or with respect to any goods or chattels whatsoever provided for the use of the poor of any parish or parishes, township or townships, hamlet or hamlets, place or places, or to be used in any workhouse or poorhouse in or belonging to the same, or by the master or mistress of such workhouse or poorhouse, or by any workmen or servants employed therein, it shall be sufficient to state any such property to belong to the overseers of the poor for the time being of such parish or parishes, township or townships, hamlet or hamlets, place or places, and it shall not be necessary to specify the names of all or any of such overseers; and in any indictment or information for any felony or misdemeanor committed on or with respect to any materials, tools or implements provided for making, altering or repairing any highway within any parish, township, hamlet or place, otherwise than by the trustees or commissioners of any turnpike road, it shall be sufficient to aver that any such things are the property of the surveyor or surveyors of the highways for the time being of such parish, township, hamlet or place, and it shall not be necessary to specify the name or names of any such surveyor or surveyors.

Property ordered for the use of the poor of parishes, &c. may be laid in the overseers.
(55 G. 3, c. 137, s. 1.)

Materials, &c. for repairing highways may be laid to be the property of the surveyor of highways.

Property of turnpike trustees may be laid in the trustees.
(3 G. 4, c. 126, s. 60.)

XVII. And with respect to property under turnpike trusts, be it enacted, that in any indictment or information for any felony or misdemeanor committed on or with respect to any house, building, gate, machine, lamp, board, stone, post, fence or other thing erected or provided in pursuance of any act of parliament for making any turnpike road, or any of the conveniences or appurtenances thereunto respectively belonging, or any materials, tools or implements provided for making, altering or repairing any such road, it shall be sufficient to state any such property to belong to the trustees or commissioners of such road, and it shall not be necessary to specify the names of any of such trustees or commissioners.

In indictments for offences committed on sewers, the property may be laid in the commissioners.

XVIII. And with respect to property under commissioners of sewers, be it enacted, that in any indictment or information for any felony or misdemeanor committed on or with respect to any sewer or other matter within or under the view cognizance or management of any commissioners of sewers, it shall be sufficient to state any such property to belong to the commissioners of sewers within or under whose view, cognizance or management any such things shall be, and it shall not be necessary to specify the names of any of such commissioners.

Indictment not to abate by dilatory plea of misnomer, &c.

XIX. And for preventing abuses from dilatory pleas, be it enacted, that no indictment or information shall be abated by reason of any dilatory plea of misnomer, or of want of addition or of wrong addition of the party offering such plea, if the court shall be satisfied by affidavit or otherwise of the truth of such plea; but in such case the court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

What defects shall not vitiate an indictment after verdict or otherwise.

XX. And that the punishment of offenders may be less frequently intercepted in consequence of technical niceties, be it enacted, that no judgment upon any indictment or information for any felony or misdemeanor, whether after verdict or outlawry, or by confession, default or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the statute," instead of the words "against the form of the statutes," or *vice versa*, nor for that any person or persons mentioned in the indictment or information is or are designated by a name of office or other descriptive appellation instead of his, her or their proper name or names, nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, where the court shall appear by the indictment or information to have had jurisdiction over the offence.

What shall not be sufficient to stay or reverse judgment after the verdict.

XXI. And be it further enacted, that no judgment after verdict upon any indictment or information for any felony or misdemeanor shall be stayed or reversed for want of a similiter, nor by reason that the jury process has been awarded to a wrong officer upon an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors, nor because any person has served upon the jury who has not been returned as a juror by the sheriff or other officer; and that where the offence charged has been created by any statute, or subjected to a greater degree of punishment, or excluded from the benefit of clergy by any statute, the indictment or information shall after verdict be held sufficient to warrant the punishment prescribed by the statute, if it describe the offence in the words of the statute.

Courts may order payment of the expenses of prosecutions in all cases of felony.
(58 G. 3, c. 70, s. 4.)

XXII. And with regard to the payment of the expenses of prosecutions for felony, be it enacted, that the court before which any person shall be prosecuted or tried for any felony is hereby authorized and empowered, at the request of the prosecutor, or of any other person who shall appear on recognizance or subpœna to prosecute or give evidence against any person accused of any felony, to order payment unto the prosecutor of the costs and expenses which such prosecutor shall incur in preferring the indictment, and also payment to the prosecutor and witnesses for the prosecution, of such sums of money as to the court shall seem reasonable and sufficient to reimburse such prosecutor and witnesses for the expenses they shall have severally incurred in attending before the examining magistrate or magistrates

magistrates and the grand jury, and in otherwise carrying on such prosecution, and also to compensate them for their trouble and loss of time therein; and although no bill of indictment be preferred, it shall still be lawful for the court, where any person shall, in the opinion of the court, *bond fide* have attended the court in obedience to any such recognizance or subpœna, to order payment unto such person of such sum of money as to the court shall seem reasonable and sufficient to reimburse such person for the expenses which he or she shall have *bond fide* incurred by reason of attending before the examining magistrate or magistrates, and by reason of such recognizance or subpœna, and also to compensate such person for trouble and loss of time; and the amount of the expenses of attending before the examining magistrate or magistrates, and the compensation for trouble and loss of time therein, shall be ascertained by the certificate of such magistrate or magistrates, granted before the trial or attendance in court, if such magistrate or magistrates shall think fit to grant the same; and the amount of all the other expenses and compensations shall be ascertained by the proper officer of the court, subject nevertheless to the regulations to be established in the manner hereinafter mentioned.

Allowance to persons attending on recognizance, where no bill is preferred.
(18 G. 3, c. 19, s. 8.)

XXIII. And whereas for want of power in the court to order payment of the expenses of any prosecution for a misdemeanor, many individuals are deterred by the expense from prosecuting persons guilty of misdemeanors, who thereby escape the punishment due to their offences; for remedy thereof, be it enacted, that where any prosecutor or other person shall appear before any court on recognizance or subpœna, to prosecute or give evidence against any person indicted of any assault with intent to commit felony, of any attempt to commit felony, of any riot, of any misdemeanor for receiving any stolen property knowing the same to have been stolen, of any assault upon a peace officer in the execution of his duty, or upon any person acting in aid of such officer, of any neglect or breach of duty as a peace officer, of any assault committed in pursuance of any conspiracy to raise the rate of wages, of knowingly and designedly obtaining any property by false pretences, of wilful and indecent exposure of the person, of wilful and corrupt perjury, or of subornation of perjury, every such court is hereby authorized and empowered to order payment of the costs and expenses of the prosecutor and witnesses for the prosecution, together with a compensation for their trouble and loss of time, in the same manner as courts are hereinbefore authorized and empowered to order the same in cases of felony; and although no bill of indictment be preferred, it shall still be lawful for the court, where any person shall have *bond fide* attended the court in obedience to any such recognizance, to order payment of the expenses of such person, together with a compensation for his or her trouble and loss of time, in the same manner as in cases of felony: provided, that in cases of misdemeanor the power of ordering the payment of expenses and compensation shall not extend to the attendance before the examining magistrate.

Courts may order payment of the expenses of prosecution in certain cases of misdemeanor.

XXIV. And be it further enacted, that every order for payment to any prosecutor or other person as aforesaid shall be forthwith made out and delivered by the proper officer of the court unto such prosecutor or other person, upon being paid for the same the sum of 1 s. for the prosecutor and 6 d. for each other person, and no more; and, except in the cases hereinafter provided for, shall be made upon the treasurer of the county, riding or division in which the offence shall have been committed, or shall be supposed to have been committed, who is hereby authorized and required, upon sight of every such order, forthwith to pay to the person named therein, or to any one duly authorized to receive the same on his or her behalf, the money in such order mentioned, and shall be allowed the same in his accounts.

Order for payment to be made out by clerk of assize, &c. and paid by county treasurer.
(58 G. 3, c. 70, s. 6;
18 G. 3, c. 19, s. 8.)

XXV. And whereas felonies and such misdemeanors as are hereinbefore enumerated may be committed in liberties, franchises, cities, towns and places which do not contribute to the payment of any county rate, some of which raise a rate in the nature of a county rate, and others have neither any such rate, nor any fund applicable to similar purposes, and it is just that such liberties, franchises, cities, towns and places should be charged with all costs, expenses and compensations ordered by virtue of this Act, in respect of felonies and such misdemeanors committed therein respectively; be it therefore enacted, that all sums directed to be paid by virtue of this Act, in respect of felonies and of such misdemeanors as aforesaid committed or supposed to have been committed in such liberties, franchises,

How the expenses shall be paid in places not contributing to the county rate.
(58 G. 3, c. 70, s. 9 & 10.)

cities, towns and places, shall be paid out of the rate in the nature of a county rate, or out of any fund applicable to similar purposes, where there is such a rate or fund, by the treasurer or other officer having the collection or disbursement of such rate or fund; and where there is no such rate or fund in such liberties, franchises, cities, towns or places, shall be paid out of the rate or fund for the relief of the poor of the parish, township, district or precinct therein where the offence was committed, or supposed to have been committed, by the overseers or other officers having the collection or disbursement of such last-mentioned rate or fund; and the order of court shall in every such case be directed to such treasurer overseers, or other officers respectively, instead of the treasurer of the county, riding or division, as the case may require.

Quarter sessions to make regulations as to costs and expenses. (18 G. 3, c. 19, s. 9.)

XXVI. And for the better regulation of costs and expenses in the cases aforesaid, and for preventing abuses in respect thereof, be it enacted, that it shall be lawful for the justices of the peace of any county, riding or division, or of any liberty, franchise, city, town or place chargeable with costs and expenses under the provision aforesaid, in quarter sessions assembled, to establish, and from time to time to alter such regulations as to the rate of any costs and expenses thereafter to be allowed by virtue of this Act, as to them shall seem just and reasonable; which regulations having received the approbation and signature of one justice of gaol delivery or of great sessions for the county wherein any such regulations shall have been established, shall be binding on all persons whatsoever.

For payment of expenses in prosecutions in Court of Admiralty.

XXVII. And for enabling the High Court of Admiralty to order the payment of the costs and expenses of prosecutors and witnesses, and compensation for their trouble and loss of time, in cases in which other courts have a like power under this Act, be it enacted, that it shall be lawful for the judge of the said Court of Admiralty, in every case of felony, and in every case of misdemeanor of the denominations hereinbefore enumerated, committed upon the high seas, to order the assistant to the counsel for the affairs of the Admiralty and navy to pay such costs, expenses and compensation to prosecutors and witnesses, in like manner as other courts may order the treasurer of the county to pay the same; and such assistant is hereby authorized and required, upon sight of every such order, forthwith to pay to the person named therein, or to any one duly authorized to receive the same on his or her behalf, the money in such order mentioned, and shall be allowed the same in his accounts.

Courts may order compensation to those who have been active in the apprehension of certain offenders. (4 W. & M. c. 8, s. 1; 10 & 11 W. 3, c. 23, s. 1, 2; 5 Anne, c. 31, s. 1; 14 G. 2, c. 6; 58 G. 3, c. 70, s. 4 & 5.)

XXVIII. And for the better remuneration of persons who have been active in the apprehension of certain offenders, be it enacted, that where any person shall appear to any court of oyer and terminer, gaol delivery, superior criminal court of a county palatine, or court of great sessions, to have been active in or towards the apprehension of any person charged with murder, or with feloniously and maliciously shooting at, or attempting to discharge any kind of loaded fire-arms at any other person, or with stabbing, cutting or poisoning, or with administering any thing to procure the miscarriage of any woman, or with rape, or with burglary or felonious house-breaking, or with robbery on the person, or with arson, or with horse-stealing, bullock-stealing or sheep-stealing, or with being accessory before the fact to any of the offences aforesaid, or with receiving any stolen property knowing the same to have been stolen, every such court is hereby authorized and empowered, in any of the cases aforesaid, to order the sheriff of the county in which the offence shall have been committed to pay to the person or persons who shall appear to the court to have been active in or towards the apprehension of any person charged with any of the said offences, such sum or sums of money as to the court shall seem reasonable and sufficient to compensate such person or persons for his, her or their expenses, exertions and loss of time in or towards such apprehension; and where any person shall appear to any court of sessions of the peace to have been active in or towards the apprehension of any party charged with receiving stolen property, knowing the same to have been stolen, such court shall have power to order compensation to such person in the same manner as the other courts hereinbefore mentioned: provided always, that nothing herein contained shall prevent any of the said courts from also allowing to any such persons, if prosecutors or witnesses, such costs, expenses and compensation as courts are by this Act empowered to allow to prosecutors and witnesses respectively.

Such orders to be paid by the sheriff, who may obtain imme-

XXIX. And be it further enacted, that every order for payment to any person in respect of such apprehension as aforesaid, shall be forthwith made out and delivered

delivered by the proper officer of the court unto such person, upon being paid for the same the sum of 5 s. and no more ; and the sheriff of the county for the time being is hereby authorized and required, upon sight of such order, forthwith to pay to such person, or to any one duly authorized on his or her behalf, the money in such order mentioned ; and every such sheriff may immediately apply for repayment of the same to the Commissioners of His Majesty's Treasury ; who upon inspecting such order, together with the acquittance of the person entitled to receive the money thereon, shall forthwith order repayment to the sheriff of the money so by him paid, without any fee or reward whatsoever.

diatc repayment on application to the Treasury.
(58 G. 3, c. 70, s. 5.
3 G. 1, c. 15, s. 4.)

XXX. And be it further enacted, that if any man shall happen to be killed in endeavouring to apprehend any person who shall be charged with any of the offences hereinbefore last mentioned, it shall be lawful for the court before whom such person shall be tried to order the sheriff of the county to pay to the widow of the man so killed, in case he shall have been married, or to his child or children in case his wife shall be dead, or to his father or mother in case he shall have left neither wife nor child, such sum of money as to the court in its discretion shall seem meet ; and the order for payment of such money shall be made out and delivered by the proper officer of the court unto the party entitled to receive the same, or unto some one on his or her behalf, to be named in such order by the direction of the court ; and every such order shall be paid by and repaid to the sheriff in the manner hereinbefore mentioned.

If any man is killed in attempting to take certain offenders, the court may order compensation to his family.
(59 G. 3, c. 70, s. 3.)

XXXI. And whereas the practice of indiscriminately estreating recognizances for the appearance of persons to prosecute or give evidence, or to answer for a common assault, or in the other cases hereinafter specified, has been found in many instances productive of hardship to persons who have entered into the same ; be it therefore enacted, that in every case where any person bound by recognizance for his or her appearance, or for whose appearance any other person shall be so bound, to prosecute or give evidence in any case of felony or misdemeanor, or to answer for any common assault, or to articles of the peace, or to abide an order in bastardy, shall therein make default, the officer of the court by whom the estreats are made out shall and is hereby required to prepare a list in writing, specifying the name of every person so making default, and the nature of the offence in respect of which every such person, or his or her surety, was so bound, together with the residence, trade, profession or calling of every such person and surety, and shall in such list distinguish the principals from the sureties, and shall state the cause, if known, why each such person has not appeared, and whether by reason of the non-appearance of such person the ends of justice have been defeated or delayed ; and every such officer shall and is hereby required, before any such recognizance shall be estreated, to lay such list, if at a court of oyer and terminer, or gaol delivery, in any county besides Middlesex and London, or at a court of great sessions, or at one of the superior courts of the counties palatine, before one of the justices of those courts respectively ; if at a court wherein a recorder or other corporate officer is the judge or one of the judges, before such recorder or other corporate officer ; and if at a session of the peace, before the chairman or two other justices of the peace who shall have attended such court ; who are respectively authorized and required to examine such list, and to make such order touching the estreating or putting in process of any such recognizance as shall appear to them respectively to be just ; and it shall not be lawful for the officer of any court to estreat or put in process any such recognizance without the written order of the justice, recorder, corporate officer, chairman or justices of the peace before whom respectively such list shall have been laid.

Recognizances in certain cases not to be estreated without a judge's order.

XXXII. And be it further enacted, that from and after the commencement of this Act, so much of a statute made at Westminster, in the third year of the reign of King Edward the First, as provides what prisoners shall not be replevisable and what shall be so ; and a statute made in the seventh year of the reign of King Henry the Fifth ; and so much of a statute made in the ninth year of the same reign, as relates to indictments and appeals laid in a non-existing place ; and so much of a statute made in the eighteenth year of the reign of King Henry the Sixth, as perpetuates the said provision of the statute last referred to ; and so much of a statute made in the twenty-third year of the same reign, as relates to sheriffs and other officers and ministers therein mentioned letting out of prison upon sureties any person in custody upon indictment ; and an Act passed in the first year of the reign of King Richard the Third, intituled, " An Act for bailing of Persons suspected

Repeal of the Acts :
3 Ed. 1, c. 15.

7 H. 5.

9 H. 5, c. 1.

18 H. 6, c. 12.

23 H. 6, c. 9.

1 R. 3, c. 3.

- 3 H. 7, c. 3. pected of Felony;" and so much of an Act passed in the third year of the reign of King Henry the Seventh, intituled, "An Act that Justices of the Peace may take Bail," as relates to bail or mainprize; and an Act passed in the twenty-fifth year of the reign of King Henry the Eighth, intituled, "An Act for Standing Mute, and Peremptory Challenge;" and so much of an Act passed in the thirty-second year of the same reign, intituled, "For the Continuation of Acts," as perpetuates the said last-mentioned Act; and an Act passed in the second and third years of the reign of King Edward the Sixth, intituled, "An Act for the trial of Murders and Felonies in several Counties;" and an Act passed in the fifth and sixth years of the same reign, intituled, "An Act to take away the Benefit of Clergy from such as rob in one Shire and fly into another;" and an Act passed in the first and second years of the reign of King Philip and Queen Mary, intituled, "An Act appointing an Order to Justices of Peace for the Bailment of Prisoners;" and an Act passed in the second and third years of the same reign, intituled, "An Act to take Examination of Prisoners suspected of Manslaughter or Felony;" and an Act passed in the fourth year of King William and Queen Mary, intituled, "An Act for encouraging the apprehending of Highwaymen;" and so much of an Act passed in the tenth and eleventh years of the reign of King William, intituled, "An Act for the better apprehending, prosecuting and punishing of Felons that commit Burglary, House-breaking, or Robbery in Shops, Warehouses, Coach-houses or Stables, or that steal Horses," as relates to the certificates therein mentioned; and so much of an Act passed in the first year of the reign of Queen Anne, intituled, "An Act for punishing of Accessories to Felonies and Receivers of Stolen Goods; and to prevent the wilful burning and destroying of Ships," as relates to accessories; and an Act passed in the sixth year of the same reign, intituled, "An Act for the encouraging the Discovery and Apprehending of Housebreakers," except the special provision affecting the sheriffs and under sheriffs of London and Middlesex; and an Act passed in the sixth year of the reign of King George the First, intituled, "An Act for the further preventing Robbery, Burglary and other Felonies; and for the more effectual Transportation of Felons;" and so much of an Act passed in the twenty-fifth year of the reign of King George the Second, intituled, "An Act for the better preventing Thefts and Robberies; and for regulating Places of public Entertainment, and punishing Persons keeping disorderly Houses," as relates to payments to prosecutors in cases of felony; and so much of an Act passed in the twenty-seventh year of the same reign, intituled, "An Act for the better securing to Constables and others the Expenses of conveying Offenders to Gaol, and for allowing the Charges of poor Persons bound to give Evidence against Felons," as relates to the allowance of compensation to poor persons appearing on recognizance to give evidence against any one accused of felony; and so much of an Act passed in the eighteenth year of the reign of King George the Third, intituled, "An Act for the Payment of Costs to Parties on Complaints determined before Justices of the Peace out of Sessions; for the Payment of the Charges of Constables in certain Cases, and for the more effectual Payment of Charges to Witnesses and Prosecutors of any Larceny or other Felony," as relates to payments and allowances to prosecutors and other persons appearing on recognizance or subpœna to give evidence as to any felony, and to rules and regulations touching the costs and charges to be allowed to such prosecutors and persons; and so much of an Act passed in the forty-third year of the same reign, intituled, "An Act for remedying certain defects in the Laws relative to the building and repairing of County Bridges and other Works maintained at the Expense of the Inhabitants of Counties in England," as relates to laying the property in the surveyor of county bridges in any indictment; and so much of an Act passed in the same year, for providing, among other things, for the more convenient trial of accessories in felonies, as relates to the trial of accessories, except the special provisions therein contained as to accessories before the fact in murder; and an Act passed in the fifty-sixth year of the same reign, intituled, "An Act for removing Difficulties in the Conviction of Offenders stealing Property from Mines;" and an Act passed in the fifty-eighth year of the same reign, intituled, "An Act for repealing such Parts of several Acts as allow pecuniary and other Rewards upon the Conviction of Persons for Highway Robbery and other Crimes and Offences; and for facilitating the means of prosecuting Persons accused of Felony and other Offences," except so much thereof as relates to disorderly houses; and an Act passed in the fifty-ninth year of the same reign, intituled, "An Act to facilitate the Trial of Felonies committed on board Vessels employed on Canals, Navigable Rivers, and Inland Navigations;" and another Act passed in the same year, intituled, "An

“An Act to facilitate the Trials of Felonies committed on Stage Coaches and Stage Waggon and other such Carriages, and of Felonies committed on the Boundaries of Counties;” and an Act passed in the first year of his present Majesty’s reign, for making general the provisions of the said recited Act of the fifty-sixth year of the reign of King George the Third; and so much of an Act passed in the third year of the present reign, intituled, “An Act for the further and more adequate Punishment of Persons convicted of Manslaughter, and of Servants convicted of robbing their Masters, and of Accessories before the fact to grand Larceny and certain other Felonies,” as provides that accessories before the fact may be indicted for a misdemeanor; and so much of another Act passed in the same year, intituled, “An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England,” as relates to stating in any indictment any things to be the property of the clerk to the trustees or commissioners, as therein mentioned; and an Act passed in the sixth year of the present reign, intituled, “An Act to amend Two Acts for removing Difficulties in the Conviction of Offenders stealing Property in Mines and from Corporate Bodies;”—shall be and the same are hereby repealed, except so far as any of the said Acts relate to Scotland or Ireland, or repeal the whole or any part of any other Acts, and except as to offences committed before the passing of this Act, which shall be dealt with and punished as if this Act had not been passed.

1 G. 4, c. 102.

3 G. 4, c. 38.

3 G. 4, c. 126, s. 60.

6 G. 4, c. 56.

ANNO SEPTIMO & OCTAVO GEORGII IV. REGIS, c. 27.

AN ACT for repealing various Statutes in England relative to the Benefit of Clergy, and to Larceny and other Offences connected therewith, and to malicious Injuries to Property, and to Remedies against the Hundred.—21st June 1827.

WHEREAS it is expedient to repeal various statutes now in force in that part of the United Kingdom called England, relative to the benefit of clergy; and it is also expedient to repeal various statutes relative to larceny, and other offences of stealing, and to burglary, robbery, and threats for the purpose of robbery or of extortion, and to embezzlement, false pretences, and the receipt of stolen property, in order that the provisions contained in those statutes may be amended and consolidated into one Act; and it is also expedient, with the same view, to repeal various statutes relative to malicious injuries to property; and also, with the same view, to repeal various statutes relative to remedies against the hundred: be it therefore enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that so much of a charter or statute made in the ninth year of the reign of King Henry the Third, commonly called *Charta de Foresta*, as relates to the punishment for taking the King’s venison; and so much of a statute made at Westminster in the third year of the reign of King Edward the First, as relates to clerks taken for guilty of felony, and to trespassers in parks and ponds; and so much of a statute made at Westminster in the thirteenth year of the same reign, as ordains that the towns near adjoining shall be distrained to levy, at their own cost, a hedge or dyke overthrown, and to yield damages; and the whole of a statute made in the same year, intituled, *Statutum Winton*, except so much thereof as forbids fairs and markets being kept in churchyards; and a statute made in the twenty-first year of the same reign, intituled, *Statutum de Malefactoribus in Parcibus*; and so much of a statute made in the first year of the reign of King Edward the Third, as relates to trespasses in the King’s forests of vert and venison; and so much of a statute made in the twenty-fifth year of the same reign, intituled, *Ordinatio pro Clero*, as relates to clerks convicted of treasons or felonies, and to the arraignment of clerks; and so much of a statute made in the twenty-eighth year of the same reign, as relates to making cry and fresh suit, and to hundreds and franchises being answerable as therein mentioned; and so much of a statute made in the thirty-fourth year, and of another statute made in the thirty-seventh year of the same reign, as relates to hawks; and so much of a statute made in the eighth year of the reign of King Henry the Sixth, as relates to the offences of stealing, taking away, withdrawing or avoiding of any

9 H. 3, st. 2, c. 10.

3 Ed. 1, c. 2 s. 20.

13 Ed. 1, st. 1, c. 46.

13 Ed. 1, st. 2.

21 Ed. 1, st. 2.

1 Ed. 3, st. 1, c. 8.

25 Ed. 3, st. 6, (vulgo st. 3.) c. 4, 5.

28 Ed. 3, c. 11.

34 Ed. 3, c. 22.

37 Ed. 3, c. 19.

8 H. 6, c. 12, s. 3.

- 33 H. 6, c. 1. record, or other like thing therein mentioned; and so much of a statute made in the thirty-third year of the same reign, as relates to servants taking and spoiling the goods of their masters after their death; and an Act passed in the first year of the reign of King Henry the Seventh, intituled, "An Act against unlawful Hunting in Forests and Parks;" and an Act passed in the fourth year of the same reign, intituled, "An Act to take away the Benefit of Clergy from certain Persons;" and an Act passed in the twenty-first year of the reign of King Henry the Eighth, intituled, "An Act for the Punishment of such Servants as shall withdraw themselves, and go away with their Masters or Mistresses Caskets, and other Jewels or Goods committed to them in Trust to be kept;" and an Act passed in the same year, intituled, "An Act for Restitution to be made of the Goods of such as shall be robbed by Felons;" and an Act passed in the twenty-third year of the same reign, intituled, "An Act that no Person committing Petty Treason, Murder or Felony, shall be admitted to his Clergy under Subdeacon;" and an Act passed in the same year, intituled, "An Act for breaking of Prison by Clerks Convict;" and an Act passed in the thirty-first year of the same reign, intituled, "An Act against Fishing in Ponds;" and an Act passed in the thirty-third year of the same reign, intituled, "An Act concerning counterfeit Letters, or privy Tokens, to receive Money or Goods in other Men's Names;" and an Act passed in the thirty-fourth and thirty-fifth years of the same reign, intituled, "An Act for a Certificate of Convicts to be made into the King's Bench;" and an Act passed in the thirty-fifth year of the same reign, intituled, "An Act for the Preservation of Woods;" and an Act passed in the thirty-seventh year of the same reign, intituled, "An Act against burning of Frames;" and so much of an Act passed in the same year, intituled, "An Act that an Indictment lacking these words, *Vi et Armis*, shall be sufficient in Law," as relates to persons stealing any horse, gelding, mare, foal or filly; and so much of an Act passed in the first year of the reign of King Edward the Sixth, intituled, "An Act for the Repeal of certain Statutes concerning Treasons, Felonies, &c." as relates to house-breaking, robbing, horse-stealing and sacrilege, and to the allowance of the benefit of clergy in any case therein mentioned; and an Act passed in the second and third years of the same reign, intituled, "An Act that no Man stealing Horse or Horses shall enjoy the Benefit of his Clergy;" and an Act passed in the fifth and sixth years of the same reign, intituled, "An Act that no Man robbing any House, Booth or Tent, shall not be admitted to the Benefit of his Clergy;" and so much of an Act passed in the fourth and fifth years of the reign of King Philip and Queen Mary, intituled, "An Act that Accessories in Murder and divers Felonies shall not have the Benefit of Clergy," as relates to accessories to any robbery or burning therein mentioned; and an Act passed in the fifth year of the reign of Queen Elizabeth, intituled, "An Act reviving a statute made Anno 21 H. 8, touching Servants embezzling their Masters' Goods;" and another Act passed in the same fifth year, intituled, "An Act for the Punishment of unlawful taking of Fish, Deer or Hawks;" and an Act passed in the eighth year of the same reign, intituled, "An Act to take away the Benefit of Clergy from certain felonious Offenders;" and so much of an Act passed in the thirteenth year of the same reign, intituled, "An Act for the reviving and continuance of certain Statutes," as alters and perpetuates the Act of the thirty-fifth year of the reign of King Henry the Eighth hereinbefore recited; and so much of an Act passed in the eighteenth year of the reign of Queen Elizabeth, intituled, "An Act to take away Clergy from the Offenders in Rape and Burglary, and an Order for the Delivery of Clerks Convict without Purgation," as relates to burglary, and to Persons admitted to the benefit of clergy; and an Act passed in the twenty-seventh year of the same reign, intituled "An Act for the following of Hue and Cry;" and an Act passed in the thirty-first year of the same reign, intituled "An Act against embezzling of Armour, Habiliments of War, and Victual;" and so much of an Act passed in the same year, intituled "An Act to avoid Horse-stealing," as enacts that all accessories to horse-stealing shall be deprived of the benefit of clergy; and an Act passed in the thirty-ninth year of the same reign, intituled "An Act that no Person robbing any House in the Day time, although no Person be therein, shall be admitted to have the Benefit of his Clergy;" and an Act passed in the forty-third year of the same reign, intituled "An Act to avoid and prevent divers Misdemeanors in lewd and idle Persons;" and An Act passed in the same year, intituled "An Act for the more peaceable Government of the Parts of Cumberland, Northumberland, Westmorland, and the Bishoprick of Durham;" and so much of an Act passed in the second year of the reign of King James
- 1 H. 7, c. 7.
- 4 H. 7, c. 31.
- 21 H. 8, c. 7.
- 21 H. 8, c. 11.
- 23 H. 8, c. 1.
- 23 H. 8, c. 11.
- 31 H. 8, c. 2.
- 33 H. 8, c. 1.
- 34 & 35 H. 8, c. 14.
- 35 H. 8, c. 17.
- 37 H. 8, c. 6.
- 37 H. 8, c. 8, s. 2.
- 1 Ed. 6, c. 12,
s. 10-14.
- 2 & 3 Ed. 6, c. 33.
- 5 & 6 Ed. 6, c. 9.
- 4 & 5 P. & M. c. 4.
- 5 Eliz. c. 10.
- 5 Eliz. c. 21.
- 8 Eliz. c. 4.
- 13 Eliz. c. 25,
s. 13. 18. 19.
- 18 Eliz. c. 7.
- 27 Eliz. c. 13.
- 31 Eliz. c. 4.
- 31 Eliz. c. 12, s. 5.
- 39 Eliz. c. 15.
- 43 Eliz. c. 7.
- 43 Eliz. c. 13.
- 2 Jac. 1, c. 27;
recognized as existing in 2 G. 3, c. 29.

James the First, intituled "An Act for the better Execution of the Intent and Meaning of former Statutes made against shooting in Guns, and for the Preservation of the Game of Pheasants and Partridges, and against the destroying of Hares with Hare Pipes, and tracing Hares in the Snow," as relates to house doves, pigeons and deer; and an Act passed in the third year of the same reign, intituled "An Act against unlawful hunting and stealing of Deer and Conies;" and an Act passed in the seventh year of the same reign, for the explanation of the last-mentioned Act; and an Act passed in the fifteenth year of the reign of King Charles the Second, intituled "An Act for the Punishment of unlawful cutting or stealing or spoiling of Wood and Underwood, and destroying of young Timber Trees;" and an Act passed in the twenty-second year of the same reign, intituled "An Act for taking away the Benefit of Clergy from such as steal Cloth from the Rack, and from such as shall steal His Majesty's Ammunition and Stores;" and an Act passed in the twenty-second and twenty-third years of the same reign, intituled "An Act to prevent the malicious burning of Houses, Stacks of Corn and Hay, and killing or maiming of Cattle;" and so much of an Act passed in the same years, intituled "An Act to prevent the delivery up of Merchants Ships, and for the Increase of good and serviceable Shipping," as relates to the wilful destruction of any ship by any of the persons belonging to it, as therein mentioned; and an Act passed in the same years, intituled "An Act for the better Preservation of the Game, and for securing Warrens not inclosed, and the several Fishings of this Realm," so far as relates to all subjects therein mentioned, except the appointment and powers of gamekeepers, search warrants, and the description of persons who are thereby declared to be persons not allowed to have or keep for themselves or any other person any guns, bows, greyhounds, or other animals or things therein enumerated; and an Act passed in the third year of the reign of King William and Queen Mary, intituled "An Act to take away Clergy from some Offenders, and to bring others to Punishment;" and so much of an Act passed in the fourth year of the same reign, intituled "An Act for the more easy Discovery and Conviction of such as shall destroy the Game of this Kingdom," as relates to pigeons and fish, and to persons wrongfully fishing, and to all instruments and engines for destroying or taking fish, and to the burning of any grig, ling, heath, furze, goss or fern; and so much of an Act passed in the fourth year of the same reign, intituled "An Act for reviving, continuing and explaining several Laws therein mentioned, which are expired and near expiring," as explains the said recited Act of the third year of the same reign; and the whole of an Act passed in the tenth year of the reign of King William the Third, intituled, "An Act for the better apprehending, prosecuting and punishing of Felons that commit Burglary, House-breaking, or Robbery in Shops, Warehouses, Coach-houses or Stables, or that steal Horses," except so much thereof as relates to fees for discharging recognizances and drawing bills of indictment, and to defective bills of indictment; and the whole of an Act passed in the first year of the reign of Queen Anne, intituled "An Act for punishing of Accessories to Felonies and Receivers of Stolen Goods, and to prevent the wilful burning and destroying of Ships," except so much thereof as relates to witnesses on behalf of the prisoner upon any trial for treason or felony; and an Act passed in the sixth year of the same reign, intituled "An Act for repealing a Clause in an Act, intituled 'An Act for the better apprehending, prosecuting and punishing Felons that commit Burglaries, Housebreaking, or Robberies in Shops, Warehouses, Coach-houses, or Stables, or that steal Horses;'" and an Act passed in the twelfth year of the same reign, intituled "An Act for the more effectual preventing and punishing Robberies that shall be committed in Houses;" and so much of an Act passed in the thirteenth year of the same reign, intituled "An Act for the preserving of all such Ships, and Goods thereof, which shall happen to be forced on Shore or stranded upon the Coasts of this Kingdom, or any other of Her Majesty's Dominions," as relates to any person upon whom any goods stolen or carried off from any vessel in distress shall be found, and to the several offences touching vessels in distress which are thereby made capital felonies; and so much of an Act passed in the first year of the reign of King George the First, intituled "An Act for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the Rioters," as relates to any rioters demolishing or pulling down, or beginning to demolish or pull down, any of the buildings therein mentioned, and to the liability of the inhabitants of the hundred, city or town, in which the damage shall be done, to yield damages to the party injured; and an Act passed in the same year, intituled "An Act to encourage the planting of Timber Trees, Fruit Trees, and other Trees for Ornament,

3 Jac. 1, c. 13,
[This Act and the
next are recognized
as existing in
16 G. 3, c. 30.]
7 Jac. 1, c. 13.

15 Car. 2, c. 2.

22 Car. 2, c. 5.

22 & 23 Car. 2, c. 7.

22 & 23 Car. 2,
c. 11, s. 12.

22 & 23 Car. 2,
c. 25, except s. 1 to 3.

3 W. & M. c. 9.

4 W. & M. c. 23.

4 W. & M. c. 24,
s. 13.

10 W. 3, c. 12, (vulgo
10 & 11 W. 3,
c. 23,) except
s. 7 & 8.

1 Ann. st. 2, c. 9,
except s. 3.

6 Ann. c. 9, (vulgo
5 Ann. c. 6.)

12 Ann. st. 1, c. 7.

13 Ann. c. 21,
(vulgo 12 Ann.
st. 2,) c. 18, s. 4 & 5.

1 G. 1. st. 2, c. 5,
s. 4 & 6.

1 G. 1, st. 2, c. 48.

- Ornament, Shelter or Profit, and for the better Preservation of the same, and for the preventing the burning of Woods ;" and the whole of an Act passed in the fourth year of the same reign, intituled " An Act for the further preventing Robbery, Burglary and other Felonies, and for the more effectual Transportation of Felons and unlawful Exporters of Wool, and for declaring the Law upon some Points relating to Pirates," except so much thereof as relates to the trial of piracy, felony or robbery committed within the Admiralty jurisdiction ; and an Act passed in the fifth year of the same reign, intituled " An Act for the further Punishment of such Persons as shall unlawfully kill or destroy Deer in Parks, Paddocks, or other inclosed Grounds ;" and an Act passed in the sixth year of the same reign, intituled " An Act to explain and amend an Act passed in the First Year of His Majesty's Reign, intituled ' An Act to encourage the planting of Timber Trees, Fruit Trees, and other Trees for Ornament, Shelter or Profit, and for the better Preservation of the same, and for the preventing the burning of Woods,' and for the better Preservation of the Fences of such Woods ;" and an Act passed in the ninth year of the same reign, intituled " An Act for the more effectual punishing wicked and evil disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice ;" and so much of an Act passed in the second year of the reign of King George the Second, intituled " An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money," as relates to the stealing or taking by robbery any orders or other securities therein enumerated ; and an Act passed in the fourth year of the same reign, intituled " An Act for the more effectual punishing Stealers of Lead or Iron Bars fixed to Houses, or any Fences belonging thereunto ;" and an Act passed in the sixth year of the same reign, intituled " An Act for making perpetual the several Acts therein mentioned, for the better Regulation of Juries ; and for empowering the Justices of Session or Assizes for the Counties Palatine of Chester, Lancaster and Durham, to appoint a Special Jury in manner therein mentioned ; and for continuing the Act for regulating the Manufacture of Cloth in the West Riding of the County of York, (except a Clause therein contained ;) and for continuing an Act for the more effectual punishing wicked and evil disposed Persons going armed in Disguise, and for other Purposes therein mentioned ; and to prevent the cutting or breaking down the Bank of any River, or any Sea Bank, and to prevent the malicious cutting of Hop-binds ; and for continuing an Act made in the thirteenth and fourteenth years of the reign of King Charles the Second, for preventing Theft and Rapine upon the Northern Borders of England ; and for reviving and continuing certain Clauses in two other Acts made for the same Purpose ;" and an Act passed in the eighth year of the reign of King George the Second, intituled " An Act for the Amendment of the Law relating to Actions on the Statute of Hue and Cry ;" and an Act passed in the same year, intituled " An Act for rendering the Laws more effectual for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes for repairing Highways, or Locks or other Works erected by Act of Parliament for making Rivers navigable, and for other Purposes therein mentioned ;" and an Act passed in the tenth year of the same reign, intituled " An Act for continuing an Act for the more effectual punishing wicked and evil disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice ; and for continuing Two Clauses to prevent the cutting or breaking down the Bank of any River or Sea Bank, and to prevent the malicious cutting of Hop-binds, contained in an Act passed in the sixth year of His present Majesty's reign ; and for the more effectual Punishment of Persons removing any Materials used for securing Marsh or Sea Walls or Banks, and of Persons maliciously setting on fire any Mine, Pit or Delph of Coal or Cannel Coal, and of Persons unlawfully hunting or taking any Red or Fallow Deer in Forests or Chases, or beating or wounding Keepers or other Officers in Forests, Chases or Parks ; and for more effectually securing the Breed of Wild Fowl," except so much thereof as relates to Wild Fowl ; and so much of an Act passed in the eleventh year of the same reign, intituled " An Act for punishing such Persons as shall do Injuries and Violences to the Persons or Properties of His Majesty's Subjects, with Intent to hinder the Exportation of Corn," as relates to the liability of the inhabitants of hundreds ; and an Act passed in the thirteenth year of the same reign, intituled " An Act for further and more effectually preventing the wilful and malicious Destruction
- 4 G 1, c. 11, except s. 7.
- 5 G. 1, c. 28.
- 6 G. 1, c. 16.
- 9 G. 1, c. 22.
- 2 G. 2, c. 25, s. 3.
- 4 G 2, c. 32.
- 6 G. 2, c. 37.
- 8 G. 2, c. 16.
- 8 G. 2, c. 20.
- 10 G. 2, c. 32, except s. 10.
- 11 G. 2, c. 22, s. 5, to the end.
- 13 G. 2, c. 21.

struction of Collieries and Coal Works ;” and an Act passed in the fourteenth year of the same reign, intituled “ An Act to render the Laws more effectual for the preventing the stealing and destroying of Sheep and other Cattle ;” and an Act passed in the fifteenth year of the same reign, intituled “ An Act to explain an Act made in the fourteenth year of the reign of His present Majesty, intituled ‘ An Act to render the Laws more effectual for preventing the stealing and destroying of Sheep and other Cattle ;’” and an Act passed in the twenty-second year of the same reign, intituled “ An Act for remedying Inconveniences which may happen by Proceedings in Actions on the Statute of Hue and Cry ;” and so much of an Act passed in the same year, for (among other purposes) ascertaining the method of levying writs of execution against the inhabitants of hundreds, as relates to such writs and the proceedings thereupon ; and an Act passed in the twenty-fourth year of the same reign, intituled “ An Act for the more effectual preventing of Robberies and Thefts upon any Navigable Rivers, Ports of Entry or Discharge, Wharfs and Keys adjacent ;” and an Act passed in the twenty-fifth year of the same reign, intituled “ An Act for the more effectual securing Mines of Black Lead from Theft and Robbery ;” and so much of an Act passed in the same year, intituled “ An Act for the better preventing Thefts and Robberies, and for regulating Places of Public Entertainment, and punishing Persons keeping disorderly Houses,” as relates to the advertisements therein prohibited ; and so much of an Act passed in the twenty-sixth year of the same reign, intituled “ An Act for enforcing the Laws against Persons who shall steal or detain shipwrecked Goods, and for the Relief of Persons suffering Losses thereby,” as relates to any of the felonies therein mentioned, and to search-warrants, and to property belonging to any vessel lost, stranded or cast on shore, being found in any place, or in the possession of any person, and to any person offering or exposing to sale any such property as therein respectively mentioned ; and so much of an Act passed in the twenty-eighth year of the same reign, for (among other purposes) preventing the burning or destroying of goss, furze or fern in forests or chases, as relates to persons burning or destroying the same ; and an Act passed in the twenty-ninth year of the same reign, intituled, “ An Act for more effectually discouraging and preventing the stealing, and the buying and receiving stolen Lead, Iron, Copper, Brass, Bell-metal and Solder, and for more effectually bringing the Offenders to Justice ;” and so much of an Act passed in the same year, intituled “ An Act for inclosing, by the mutual consent of the Lords and Tenants, part of any Common for the purpose of planting and preserving Trees fit for Timber or Underwood, and for more effectually preventing the unlawful Destruction of Trees,” as relates to the remedy for the recovery of damages against the inhabitants of the adjoining parishes, towns, hamlets, villages or places, and to the punishment of the several offences relating to trees, and to the explanation respecting the three Acts of King George the First, as therein respectively mentioned ; and so much of an Act passed in the thirtieth year of the same reign, intituled “ An Act for the more effectual Punishment of Persons who shall attain or attempt to attain Possession of Goods or Money by false or untrue Pretences ; for preventing the unlawful pawning of Goods ; for the easy Redemption of Goods pawned ; and for preventing Gaming in Public-houses by Journeymen, Labourers, Servants and Apprentices,” as relates to obtaining by false pretence or pretences any property as therein mentioned ; and an Act passed in the thirty-first year of the same reign, intituled “ An Act to continue several Laws therein mentioned, for granting a Liberty to carry Sugars of the Growth, Produce or Manufacture of any of His Majesty’s Sugar Colonies in America, from the said Colonies directly into Foreign Parts, in Ships built in Great Britain and navigated according to Law ; for the preventing the committing of Frauds by Bankrupts ; for giving further Encouragement for the Importation of Naval Stores from the British Colonies in America ; and for preventing Frauds and Abuses in the Admeasurement of Coals in the City and Liberty of Westminster ; and for preventing the stealing or destroying of Madder Roots ;” and an Act passed in the second year of the reign of King George the Third, intituled “ An Act to amend so much of an Act made in the First year of the Reign of King James the First, intituled ‘ An Act for the better Execution of the Intent and Meaning of former Statutes made against shooting in Guns, and for the Preservation of the Game of Pheasants and Partridges, and against the destroying of Hares with Hare Pipes, and tracing Hares in the Snow,’ as relates to the Preservation of House Doves and Pigeons, by making the Manner of convicting such Person or Persons as shall offend therein more easy and expeditious ;” and an Act passed in the fourth year of the reign of King George the Third, intituled “ An Act to continue several

14 G. 2, c. 6.

15 G. 2, c. 34.

22 G. 2, c. 24.

22 G. 2, c. 46, s. 34.

24 G. 2, c. 45.

25 G. 2, c. 10.

25 G. 2, c. 36, s. 1.

26 G. 2, c. 19,
s. 1, 2, 3, 4 & 8.

28 G. 2, c. 19, s. 3.

29 G. 2, c. 30.

29 G. 2, c. 36,
s. 6, 7, 8 & 9.

30 G. 2, c. 24, s. 1.

31 G. 2, c. 35.

2 G. 3, c. 29.

4 G. 3, c. 12.

- several Laws for the better Regulation of Pilots for the conducting of Ships and Vessels from Dover, Deal, and the Isle of Thanet, up the Rivers of Thames and Medway; relating to the landing of Rum or Spirits of the British Sugar Plantations before the Duties of Excise are paid thereon; and to the further Punishment of Persons going armed or disguised in defiance of the Laws of Customs or Excise; and to the relief of the Officers of the Customs in Informations upon Seizures; and for granting a Liberty to carry Sugars of the Growth, Produce or Manufacture of any of His Majesty's Sugar Colonies, directly into Foreign Parts, in Ships built in Great Britain, and navigated according to Law; and for punishing Persons who shall damage or destroy any Banks, Floodgates, Sluices or other Works belonging to the Rivers and Streams made navigable by Act of Parliament;" and an Act passed in the same year, intituled "An Act to indemnify such Persons as have omitted to qualify themselves for Offices and Employments, and to indemnify Justices of the Peace, Deputy Lieutenants, and Officers of the Militia or others who have omitted to register or deliver in their Qualifications within the time limited by Law, and for giving further time for those purposes; and to indemnify Members and Officers in Cities, Corporations and Borough Towns, whose Admissions have been omitted to be stamped according to the several Acts of Parliament now in force for that purpose, or having been stamped have been lost or mislaid, and for allowing them time to provide Admissions duly stamped; and to prevent the Destruction of Trees and Underwoods growing in Forests and Chases;" and an Act passed in the fifth year of the same reign, intituled "An Act for the more effectual Preservation of Fish in Fish-ponds and other Waters, and Conies in Warrens, and for preventing the Damage done to Sea Banks within the County of Lincoln, by the breeding Conies therein;" and an Act passed in the sixth year of the same reign, intituled "An Act for encouraging the Cultivation, and for the better Preservation of Trees, Roots, Plants and Shrubs;" and another Act passed in the same year, intituled "An Act for the better Preservation of Timber Trees, and of Woods and Underwoods, and for the further Preservation of Roots, Shrubs and Plants;" and an Act passed in the ninth year of the same reign, intituled "An Act for the more effectual Punishment of such Persons as shall demolish or pull down, burn or otherwise destroy or spoil any Mill or Mills, and for preventing the destroying or damaging of Engines for draining Collieries and Mines, or Bridges, Waggonways, or other Things used in conveying Coals, Lead, Tin or other Minerals from Mines, or Fences for inclosing Lands in pursuance of Acts of Parliament;" and an Act passed in the same year, intituled "An Act for better securing the Duties of Customs upon certain Goods removed from the Out Ports and other Places to London; for regulating the Fees of Officers of His Majesty's Customs in the Province of Senegambia in Africa; for allowing to the Receivers-General of the Duties on Offices and Employments in Scotland, a proper Compensation for their Trouble and Expenses; for the better Preservation of Hollies, Thorns and Quicksets in Forests, Chases and private Grounds, and of Trees and Underwoods in Forests and Chases; and for authorizing the Exportation of a limited Quantity of an inferior sort of Barley called Bigg, from the Port of Kirkwall in the Islands of Orkney;" and an Act passed in the tenth year of the same reign, intituled "An Act for preventing the stealing of Dogs; and another Act passed in the same year, intituled "An Act for making the receiving of stolen Jewels, and Gold and Silver Plate, in the case of Burglary and Highway Robbery, more penal;" and so much of an Act passed in the thirteenth year of the same reign, intituled "An Act for the more effectual Execution of Criminal Laws in the Two Parts of the United Kingdom," as relates to the prosecution and punishment of persons for theft or larceny, and for receiving or having any stolen property as therein mentioned; and an Act passed in the same year, intituled "An Act for repealing so much of an Act made in the Twenty-third year of His late Majesty King George the Second, as relates to the preventing the stealing or destroying of Turnips, and for the more effectually preventing the stealing or destroying of Turnips, Potatoes, Cabbages, Parsnips, Pease and Carrots;" and another Act passed in the same thirteenth year, intituled "An Act to extend the Provisions of an Act made in the Sixth year of His present Majesty's reign, intituled 'An Act for the better Preservation of Timber Trees, and of Woods and Underwoods, and for the further Preservation of Roots, Shrubs and Plants,' to Poplar, Alder, Maple, Larch and Hornbeam;" and an Act passed in the sixteenth year of the same reign, intituled "An Act more effectually to prevent the stealing of Deer, and to repeal several former Statutes made for the like purpose;" and the whole of an Act passed in the nineteenth year of the same reign, intituled "An

Act to explain and amend the Laws relating to the Transportation, Imprisonment, and other Punishment of certain Offenders," except so much thereof as relates to the Judges' lodgings; and an Act passed in the twenty-first year of the same reign, intituled "An Act to explain and amend an Act made in the Fourth year of the Reign of His late Majesty King George the Second, intituled 'An Act for the more effectual punishing Stealers of Lead and Iron Bars fixed to Houses, or any Fences belonging thereunto;'" and another Act passed in the same twenty-first year, intituled "An Act to explain and amend an Act made in the Twenty-ninth year of the Reign of His late Majesty King George the Second, intituled 'An Act for more effectually discouraging and preventing the stealing, and the buying and receiving of stolen Lead, Iron, Copper, Brass, Bell-metal and Solder, and for more effectually bringing the Offenders to Justice;'" and an Act passed in the twenty-second year of the reign of King George the Third, intituled "An Act for the more easy Discovery and effectual Punishment of Buyers and Receivers of Stolen Goods;" and an Act passed in the thirty-first year of the same reign, intituled "An Act to render Persons convicted of Petty Larceny competent Witnesses;" and an Act passed in the same year, intituled "An Act for better protecting the several Oyster Fisheries within this Kingdom;" and so much of an Act passed in the thirty-third year of the same reign, intituled "An Act for better preventing Offences in obstructing, destroying or damaging Ships or other Vessels, and in obstructing Seamen, Keelmen, Casters and Ship Carpenters, from pursuing their lawful Occupations," as relates to persons who shall wilfully and maliciously set fire to, or destroy or damage otherwise than by fire, any ship, keel or other vessel; and so much of an Act passed in the thirty-sixth year of the same reign, intituled "An Act to prevent Obstructions to the free Passage of Grain within the Kingdom," as relates to the liability of the inhabitants of hundreds; and an Act passed in the thirty-ninth year of the same reign, intituled "An Act to protect Masters against Embezzlements by their Clerks or Servants;" and so much of an Act passed in the thirty-ninth and fortieth years of the same reign, intituled "An Act for the Security of Collieries and Mines, and for the better Regulation of Colliers and Miners," as declares what persons shall be deemed and adjudged to be guilty of a misdemeanor, and as relates to any person who shall steal or take away, or break, destroy, damage or embezzle any article not exceeding the value of 5*s.* as therein mentioned, or shall break, destroy or damage any waggon, cart or other carriage as therein mentioned; and an Act passed in the forty-first year of the same reign, intituled "An Act for the indemnifying of Persons injured by the forcible pulling down and demolishing of Mills, or of Works thereunto belonging, by Persons unlawfully and riotously assembled;" and an Act passed in the forty-second year of the same reign, intituled "An Act to extend the Provisions of an Act made in the Thirteenth year of the Reign of His present Majesty, intituled 'An Act for repealing so much of an Act made in the Twenty-third year of His late Majesty King George the Second, as relates to the preventing the stealing or destroying of Turnips, and for the more effectually preventing the stealing or destroying of Turnips, Potatoes, Cabbages, Parsnips, Pease and Carrots,' to certain other Field Crops, and to Orchards; and for amending the said Act;" and an Act passed in the same forty-second year, intituled "An Act more effectually to prevent the stealing of Deer;" and so much of an Act passed in the forty-third year of the same reign, intituled "An Act for the further Prevention of malicious Shooting, and attempting to discharge loaded Fire Arms, stabbing, cutting, wounding, poisoning and the malicious using of means to procure the Miscarriage of Women; and also the malicious setting fire to Buildings; and also for repealing a certain Act made in England in the Twenty-first year of the late King James the First, intituled 'An Act to prevent the destroying and murdering of Bastard Children;' and also an Act made in Ireland in the Sixth year of the Reign of the late Queen Anne, also intituled 'An Act to prevent the destroying and murdering of Bastard Children;' and for making other Provisions in lieu thereof," as relates to the setting fire to any of the buildings therein enumerated; and the whole of an Act passed in the same forty-third year, intituled "An Act for the more effectually providing for the Punishment of Offences in wilfully casting away, burning or destroying Ships or Vessels; and for the more convenient trial of Accessories in Felonies; and for extending the Powers of an Act made in the Thirty-third year of the Reign of King Henry the Eighth, as far as relates to Murders, to Accessories to Murders and to Manslaughters," except so much thereof as specially relates to accessories before the fact in murder, and to manslaughter;

21 G. 3, c. 68.

21 G. 3, c. 69.

22 G. 3, c. 58.

31 G. 3, c. 35.

31 G. 3, c. 51.

33 G. 3, c. 67,
s. 5 & 6.36 G. 3, c. 9, s. 3,
to the end.

39 G. 3, c. 85.

39 & 40 G. 3, c. 77,
s. 1 & 5.

41 G. 3, 24, (U.K.)

42 G. 3, c. 67.

42 G. 3, c. 107.

43 G. 3, c. 58,
part of s. 1.43 G. 3, c. 113,
except s. 6.

- 44 G. 3, c. 92,
s. 7 & 8. and so much of an Act passed in the forty-fourth year of King George the Third, intituled, "An Act to render more easy the apprehending and bringing to trial Offenders escaping from one Part of the United Kingdom to the other, and also from one County to another," as relates to the prosecution and punishment of persons for theft or larceny, and for receiving or having any stolen property, as therein mentioned; and an Act passed in the forty-fifth year of the same reign, intituled, "An Act to prevent in Great Britain the illegally carrying away Bark; and for amending Two Acts passed in the Sixth and Ninth years of His present Majesty's Reign, for the Preservation of Timber Trees, Underwoods, Roots, Shrubs, Plants, Hollies, Thorns and Quicksets;" and an Act passed in the forty-eighth year of the same reign, intituled, "An Act to repeal so much of an Act passed in the Eighth year of the Reign of Queen Elizabeth, intituled, 'An Act to take away the Benefit of Clergy from certain Offenders for Felony,' as takes away the Benefit of Clergy from Persons stealing privily from the Person of another; and for more effectually preventing the Crime of Larceny from the Person;" and an Act passed in the same forty-eighth year, intituled, "An Act for the more effectual protection of Oyster Fisheries and the Brood of Oysters in England;" and an Act passed in the fifty-first year of the same reign, intituled, "An Act to repeal so much of an Act passed in the Eighteenth year of the Reign of King George the Second, intituled, 'An Act for the more effectually preventing the stealing of Linen, Fustian and Cotton Goods and Wares in Buildings, Fields, Grounds and other Places used for printing, whitening, bleaching, or dyeing the same,' as takes away the Benefit of Clergy from Persons stealing Cloth in Places therein mentioned; and for more effectually preventing such Felonies;" and an Act passed in the same fifty-first year, intituled, "An Act to amend an Act of the Forty-seventh year of His present Majesty, for more effectually preventing the stealing of Deer;" and an Act passed in the fifty-second year of the same reign, intituled, "An Act for more effectually preventing the Embezzlement of Securities for Money and other Effects left or deposited for safe Custody, or other special Purpose, in the hands of Bankers, Merchants, Brokers, Attornies, or other Agents;" and an Act passed in the same year, intituled, "An Act for extending the Provisions of an Act of the Thirtieth year of King George the Second, against Persons obtaining Money by false Pretences, to Persons so obtaining Bonds and other Securities;" and another Act passed in the same fifty-second year, intituled, "An Act for the more effectual Punishment of Persons destroying the Properties of His Majesty's Subjects, and enabling the Owners of such Properties to recover Damages for the Injury sustained;" and so much of an Act passed in the fifty-third year of the same reign, intituled, "An Act to repeal a certain Provision respecting Persons convicted of Felony without Benefit of Clergy, contained in an Act made in the Fifty-second year of the Reign of His present Majesty; for the Erection of a Penitentiary House for the Confinement of Persons convicted within the City of London and County of Middlesex; and for making other Provisions in lieu thereof," as relates to the punishment of larceny; and an Act passed in the fifty-sixth year of the same reign, intituled, "An Act for the more effectual Punishment of Persons riotously destroying or damaging Buildings, Engines and Machinery used in and about Collieries and other Mines, Waggonways, Bridges and other Works used in conveying and shipping Coals and other Minerals; and for enabling the Owners of such Property to recover Damages for the Injury sustained;" and so much of an Act passed in the fifty-seventh year of the same reign, intituled, "An Act for the more effectually preventing Seditious Meetings and Assemblies," as relates to the liability of the inhabitants of the city, town or hundred, to yield compensation to the party injured, as therein mentioned; and an Act passed in the first year of the reign of his present Majesty, intituled, "An Act for the summary Punishment, in certain Cases, of Persons wilfully or maliciously damaging or committing Trespasses on public or private Property;" and the whole of an Act passed in the same year, intituled, "An Act to repeal so much of the several Acts passed in the Thirty-ninth year of the Reign of Elizabeth, the Fourth of George the First, the Fifth and Eighth of George the Second, as inflicts Capital Punishment on certain Offences therein specified, and to provide more suitable and effectual Punishment for such Offences," except so much thereof as relates to the offences made capital by the said Act of Queen Elizabeth; and another Act passed in the same year of the present reign, intituled, "An Act to repeal so much of an Act passed in the Tenth and Eleventh years of King William the Third, intituled 'An Act for the better apprehending, prosecuting and punishing of Felons that commit Burglary, House-breaking, or
- Robbery

Robbery in Shops, Warehouses, Coach-houses or Stables, or that steal Horses, as takes away the Benefit of Clergy from Persons privately stealing in any Shop, Warehouse, Coach-house or Stable, any Goods, Wares or Merchandizes of the value of Five Shillings; and for more effectually preventing the Crime of stealing privately in Shops, Warehouses, Coach-houses or Stables;" and an Act passed in the third year of the present reign, intituled, "An Act for extending the Laws against Receivers of Stolen Goods to Receivers of Stolen Bonds, Bank Notes and other Securities for Money;" and an Act passed in the same year, intituled, "An Act for altering and amending several Acts passed in the First and Ninth years of the Reign of King George the First, and in the Forty-first, Fifty-second, Fifty-sixth and Fifty-seventh years of the Reign of His late Majesty King George the Third, so far as the same relate to the Recovery of Damages committed by riotous and tumultuous Assemblies, and unlawful and malicious Offenders;" and the whole of an Act passed in the same year of the present reign, intituled, "An Act for the further and more adequate Punishment of Persons convicted of Manslaughter, and of Servants convicted of robbing their Masters, and of Accessories before the Fact to Grand Larceny, and certain other Felonies," except so far as relates to manslaughter; and so much of another Act passed in the same year, intituled "An Act to provide for the more effectual Punishment of certain Offences, by Imprisonment with Hard Labour," as relates to the punishment for receiving stolen goods, and for obtaining any property as therein mentioned by false pretences; and so much of an Act passed in the same year, intituled, "An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England," as creates any felony; and the whole of an Act passed in the fourth year of the present reign, intituled, "An Act for repealing the Capital Punishments inflicted by several Acts of the Sixth and Twenty-seventh years of King George the Second, and of the Third, Fourth and Twenty-second years of King George the Third, and for providing other Punishments in lieu thereof, and in lieu of the Punishment of Frame-breaking under an Act of the Twenty-eighth year of the same Reign," except so far as relates to the felonies created by the Acts of the twenty-seventh year of King George the Second, and of the third year of King George the Third therein recited; and the whole of an Act passed in the same year of the present reign, intituled, "An Act for extending the Benefit of Clergy to several Larcenies therein mentioned," except so far as relates to any person convicted of stealing or embezzling His Majesty's ammunition, sails, cordage, or naval or military stores, or of being accessory to any such offence; and the whole of an Act passed in the same year, intituled, "An Act for allowing the Benefit of Clergy to Persons convicted of certain Felonies under Two Acts of the Ninth year of King George the First, and of the Twenty-seventh year of King George the Second, for making better Provision for the Punishment of Persons guilty of sending or delivering threatening Letters, and of Assaults with Intent to commit Robbery," except so far as relates to any Person who shall send or deliver any letter or writing threatening to kill or murder, or to burn or destroy, as therein mentioned, or shall be accessory to any such offence, or shall forcibly rescue any person being lawfully in custody for any such offence; and an Act passed in the sixth year of the present reign, intituled, "An Act for the Amendment of the Law as to the Offence of sending threatening Letters;" and so much of an Act passed in the same year of the present reign, intituled, "An Act to alter and amend an Act for the better Protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares or Merchandize entrusted to Factors or Agents," as relates to any misdemeanor therein mentioned; and also an Act passed in the seventh year of the present reign, intituled, "An Act to amend the Law in respect to the Offence of stealing from Gardens and Hothouses;" and all Acts continuing or perpetuating any of the Acts or parts of Acts hereinbefore referred to, so far only as relates to the continuing or perpetuating the same respectively,—shall be and continue in force until and throughout the last day of June in the present year, and shall from and after that day, as to that part of the United Kingdom called England, and as to offences committed within the jurisdiction of the Admiralty of England, be repealed; except so far as any of the said Acts may repeal the whole or any part of any other Acts; and except as to offences and other matters committed or done before or upon the said last day of June, which shall be dealt with and punished as if this Act had not been passed.

Not to repeal any Act relating to the Post-office, the revenue, public stores, Bank of England, or South Sea Company.

II. Provided always, and be it enacted, that nothing in this Act contained shall in anywise affect or alter such part of any Act as relates to the Post-office, or to any branch of the public revenue, or to the naval, military, victualling or other public stores of his Majesty, his heirs or successors, except the Acts of the thirty-first year of Queen Elizabeth, and of the twenty-second year of King Charles the Second, which are hereinbefore repealed, or shall affect or alter any Act relating to the Bank of England or South Sea Company.

ANNO SEPTIMO & OCTAVO GEORGII IV. REGIS, c. 28.

AN ACT for further improving the Administration of Justice in Criminal Cases in England.—21st June 1827.

WHEREAS trials for criminal offences in that part of the United Kingdom called England, are attended with some forms which frequently impede the due administration of justice, and it is therefore expedient to abolish such forms, and also to abolish the benefit of clergy, and to make better provision for the punishment of offenders in certain cases: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that if any person, not having privilege of peerage, being arraigned upon any indictment for treason, felony or piracy, shall plead thereto a plea of "not guilty," he shall by such plea, without any further form, be deemed to have put himself upon the country for trial; and the court shall, in the usual manner, order a jury for the trial of such person accordingly.

A plea of "not guilty," without more, shall put the prisoner on his trial by jury.

If he refuses to plead, court may order a plea of "not guilty," to be entered.

Every challenge beyond the legal number shall be void.

Attainder of another crime not pleadable.

Jury shall not inquire of prisoner's lands, &c. nor whether he fled.

Benefit of clergy abolished.

What felonies only shall be capital.

Felonies not capital punishable under the Acts, if any, relating thereto; otherwise under this Act.

II. And be it enacted, that if any person, being arraigned upon or charged with any indictment or information for treason, felony, piracy or misdemeanor, shall stand mute of malice, or will not answer directly to the indictment or information, in every such case it shall be lawful for the court, if it shall so think fit, to order the proper officer to enter a plea of "not guilty" on behalf of such person; and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

III. And be it enacted, that if any person indicted for any treason, felony or piracy, shall challenge peremptorily a greater number of the men returned to be of the jury than such person is entitled by law so to challenge in any of the said cases, every peremptory challenge beyond the number allowed by law in any of the said cases shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made.

IV. And be it enacted, that no plea setting forth any attainder shall be pleaded in bar of any indictment, unless the attainder be for the same offence as that charged in the indictment.

V. And be it enacted, that where any person shall be indicted for treason or felony, the jury impannelled to try such person shall not be charged to inquire concerning his lands, tenements or goods, nor whether he fled for such treason or felony.

VI. And be it enacted, that benefit of clergy, with respect to persons convicted of felony, shall be abolished; but that nothing herein contained shall prevent the joinder in any indictment of any counts which might have been joined before the passing of this Act.

VII. And be it enacted, that no person convicted of felony shall suffer death, unless it be for some felony which was excluded from the benefit of clergy before or on the 1st day of the present session of Parliament, or which hath been or shall be made punishable with death by some statute passed after that day.

VIII. And be it enacted, that every person convicted of any felony, not punishable with death, shall be punished in the manner prescribed by the statute or statutes specially relating to such felony; and that every person convicted of any felony, for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the discretion

of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years; and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

IX. And with regard to the place and mode of imprisonment for all offences punishable under this Act, be it enacted, that where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the court in its discretion shall seem meet.

The court may order hard labour or solitary confinement as part of the sentence of imprisonment.

X. And be it enacted, that wherever sentence shall be passed for felony on a person already imprisoned under sentence for another crime, it shall be lawful for the court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced; and where such person shall be already under sentence, either of imprisonment or transportation, the court, if empowered to pass sentence of transportation, may award such sentence for the subsequent offence, to commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced, although the aggregate term of imprisonment or transportation respectively may exceed the term for which either of those punishments could be otherwise awarded.

If a person under sentence for another crime is convicted of felony, the court may pass a second sentence, to commence after the expiration of the first.

XI. And whereas it is expedient to provide for the more exemplary punishment of offenders who commit felony after a previous conviction for felony, whether such conviction shall have taken place before or after the commencement of this Act; be it therefore enacted, that if any person shall be convicted of any felony, not punishable with death, committed after a previous conviction for felony, such person shall, on such subsequent conviction, be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment; and in an indictment for any such felony committed after a previous conviction for felony it shall be sufficient to state that the offender was at a certain time and place convicted of felony, without otherwise describing the previous felony; and a certificate, containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony, purporting to be signed by the clerk of the court, or other officer having the custody of the records of the court where the offender was first convicted, or by the deputy of such clerk or officer (for which certificate a fee of 6 s. 8 d. and no more, shall be demanded or taken), shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the same; and if any such clerk, officer or deputy, shall utter a false certificate of any indictment and conviction for a previous felony, or if any person, other than such clerk, officer or deputy, shall sign any such certificate as such clerk, officer or deputy, or shall utter any such certificate with a false or counterfeit signature thereto, every such offender shall be guilty of felony, and being lawfully convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Punishment for a subsequent felony.

Form of indictment for the subsequent felony.

What shall be sufficient proof of the first conviction.

Uttering false certificate of conviction.

XII. And be it enacted, that all offences prosecuted in the High Court of Admiralty of England shall, upon every first and subsequent conviction, be subject to the same punishments, whether of death or otherwise, as if such offences had been committed upon the land.

Admiralty offences.

XIII. And be it declared and enacted, that where the King's Majesty shall be pleased to extend his royal mercy to any offender convicted of any felony punishable with death or otherwise, and by warrant under his royal sign manual, countersigned by one of his principal Secretaries of State, shall grant to such offender either a free or a conditional pardon, the discharge of such offender out of

Effect of a free or conditional pardon to a convict.

Proviso.

custody, in the case of a free pardon, and the performance of the condition, in the case of a conditional pardon, shall have the effect of a pardon under the great seal for such offender, as to the felony for which such pardon shall be so granted: provided always, that no free pardon, nor any such discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any felony committed after the granting of any such pardon.

Rule for the interpretation of all criminal statutes.

XIV. And be it enacted, that wherever this or any other statute relating to any offence, whether punishable upon indictment or summary conviction, in describing or referring to the offence or the subject matter on or with respect to which it shall be committed, or the offender, or the party affected or intended to be affected by the offence, hath used or shall use words importing the singular number or the masculine gender only, yet the statute shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved.

Commencement of this Act.

XV. And be it enacted, that this Act shall commence and take effect on the 1st day of July 1827.

Not to extend to Scotland or Ireland.

XVI. Provided always, and be it enacted, that nothing herein contained shall extend to Scotland or Ireland.

ANNO SEPTIMO & OCTAVO GEORGII IV. REGIS, c. 29.

AN ACT for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith.—21st June 1827.

WHEREAS various statutes now in force in that part of the United Kingdom called England, relative to larceny and other offences of stealing, and to burglary, robbery, and threats for the purpose of robbery or of extortion, and to embezzlement, false pretences, and the receipt of stolen property, are by an Act of the present session of Parliament repealed, from and after the last day of June in the present year, except as to offences committed before or upon that day; and it is expedient that the provisions contained in those various statutes should be amended and consolidated into this Act, to take effect at the same time as the said repealing Act: Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall commence on the 1st day of July in the present year.

Commencement of Act.

Distinction between grand and petty larceny abolished.

II. And be it enacted, that the distinction between grand larceny and petty larceny shall be abolished, and every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents in all respects as grand larceny was before the commencement of this Act; and every court, whose power as to the trial of larceny was before the commencement of this Act limited to petty larceny, shall have power to try every case of larceny the punishment of which cannot exceed the punishment hereinafter mentioned for simple larceny, and also to try all accessories to such larceny.

Punishments for simple larceny.

III. And be it enacted, that every person convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall (except in the cases hereinafter otherwise provided for) be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

IV. And

IV. And with regard to the place and mode of imprisonment for all indictable offences punishable under this Act, be it enacted, that where any person shall be convicted of any felony or misdemeanor punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the court in its discretion shall seem meet.

The court may, for all offences within this Act, order hard labour or solitary confinement.

V. And be it enacted, that if any person shall steal any tally, order or other security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of this kingdom, or of Great Britain or of Ireland, or of any foreign state, or in any fund of any body corporate, company or society, or to any deposit in any savings bank, or shall steal any debenture, deed, bond, bill, note, warrant, order or other security whatsoever for money or for payment of money, whether of this kingdom or of any foreign state, or shall steal any warrant or order for the delivery or transfer of any goods or valuable thing, every such offender shall be deemed guilty of felony, of the same nature and in the same degree and punishable in the same manner as if he had stolen any chattel of like value with the share, interest or deposit to which the security so stolen may relate, or with the money due on the security so stolen or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing mentioned in the warrant or order; and each of the several documents hereinbefore enumerated shall throughout this Act be deemed for every purpose to be included under and denoted by the words "valuable security."

Stealing public or private securities for money, or warrants for goods, shall be felony, and punishable according to the circumstances, like stealing goods.

Rule of interpretation.

VI. And be it enacted, that if any person shall rob any other person of any chattel, money or valuable security, every such offender, being convicted thereof, shall suffer death as a felon; and if any person shall steal any such property from the person of another, or shall assault any other person with intent to rob him, or shall with menaces or by force demand any such property of any other person with intent to steal the same, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Robbery from the person.

Stealing from the person.

Assaults with intent to commit robbery, and demands accompanied with menaces or force.

VII. And be it declared and enacted, that if any person shall accuse or threaten to accuse any other person of any infamous crime, as hereinafter defined, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat extort or gain from him any chattel, money or valuable security, every such offender shall be deemed guilty of robbery, and shall be indicted and punished accordingly.

Obtaining money, &c. by threatening to accuse a party of an infamous crime.

VIII. And be it enacted, that if any person shall knowingly send or deliver any letter or writing, demanding of any person, with menaces, and without any reasonable or probable cause, any chattel, money or valuable security; or if any person shall accuse or threaten to accuse, or shall knowingly send or deliver any letter or writing accusing or threatening to accuse, any person of any crime punishable by law with death, transportation or pillory, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime as hereinafter defined, with a view or intent to extort or gain from such person any chattel, money, or valuable security; every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Sending letters containing menacing demands, or threatening to accuse a party of an infamous crime, to extort money, &c.

IX. And for defining what shall be an infamous crime within the meaning of this Act, be it enacted, that the abominable crime of buggery, committed either with mankind or with beast, and every assault with intent to commit the said abominable crime, and every attempt or endeavour to commit the said abominable crime, and every solicitation, persuasion, promise or threat offered or made to any

What shall be deemed an infamous crime.

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person, whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

Sacrilege, when capital.

X. And be it enacted, that if any person shall break and enter any church or chapel, and steal therein any chattel, or having stolen any chattel in any church or chapel, shall break out of the same, every such offender, being convicted thereof, shall suffer death as a felon.

Burglary capital.

XI. And be it enacted, that every person convicted of burglary shall suffer death as a felon; and it is hereby declared, that if any person shall enter the dwelling-house of another with intent to commit felony, or being in such dwelling-house shall commit any felony, and shall in either case break out of the said dwelling-house in the night-time, such person shall be deemed guilty of burglary.

Housebreaking and stealing in a house, when capital.

XII. And be it enacted, that if any person shall break and enter any dwelling-house, and steal therein any chattel, money or valuable security to any value whatever; or shall steal any such property to any value whatever in any dwelling-house, any person therein being put in fear; or shall steal in any dwelling-house any chattel, money or valuable security to the value in the whole of five pounds or more; every such offender, being convicted thereof, shall suffer death as a felon.

What buildings only are part of a house for capital purposes.

XIII. Provided always, and be it enacted, that no building, although within the same curtilage with the dwelling-house, and occupied therewith, shall be deemed to be part of such dwelling-house for the purpose of burglary, or for any of the purposes aforesaid, unless there shall be a communication between such building and dwelling-house, either immediate, or by means of a covered and inclosed passage leading from the one to the other.

Robbery in any building within the same curtilage as the house, but not privileged as part of the house.

XIV. And be it enacted, that if any person shall break and enter any building, and steal therein any chattel, money or valuable security, such building being within the curtilage of a dwelling-house, and occupied therewith, but not being part thereof according to the provision hereinbefore mentioned, every such offender, being convicted thereof, either upon an indictment for the same offence, or upon an indictment for burglary, housebreaking, or stealing to the value of five pounds in a dwelling-house, containing a separate count for such offence, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Robbery in a shop, warehouse, &c.

XV. And be it enacted, that if any person shall break and enter any shop, warehouse or counting-house, and steal therein any chattel, money or valuable security, every such offender, being convicted thereof, shall be liable to any of the punishments which the court may award as hereinbefore last mentioned.

Stealing certain goods in process of manufacture.

XVI. And be it enacted, that if any person shall steal, to the value of 10 s., any goods or article of silk, woollen, linen or cotton, or of any one or more of those materials mixed with each other, or mixed with any other material, whilst laid, placed or exposed during any stage, process or progress of manufacture, in any building, field or other place, every such offender, being convicted thereof, shall be liable to any of the punishments which the court may award as hereinbefore last mentioned.

Stealing goods from a vessel in a port, river or canal, &c.

XVII. And be it enacted, that if any person shall steal any goods or merchandize in any vessel, barge or boat of any description whatsoever, in any port of entry or discharge, or upon any navigable river or canal, or in any creek belonging to or communicating with any such port, river or canal, or shall steal any goods or merchandize from any dock, wharf or quay adjacent to any such port, river, canal or creek; every such offender, being convicted thereof, shall be liable to any of the punishments which the court may award as hereinbefore last mentioned.

Plundering any part of the tackle or cargo of a shipwrecked vessel.

XVIII. And be it enacted, that if any person shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, every such offender, being convicted thereof, shall suffer death as a felon: provided

vided always, that when articles of small value shall be stranded or cast on shore, and shall be stolen without circumstances of cruelty, outrage or violence, it shall be lawful to prosecute and punish the offender as for simple larceny; and in either case the offender may be indicted and tried either in the county in which the offence shall have been committed, or in any county next adjoining. Proviso.

XIX. And be it enacted, that if any goods, merchandize or articles of any kind, belonging to any ship or vessel in distress, or wrecked, stranded or cast on shore as aforesaid, shall, by virtue of a search warrant to be granted as hereinafter mentioned, be found in the possession of any person, or on the premises of any person with his knowledge, and such person, being carried before a justice of the peace, shall not satisfy the justice that he came lawfully by the same, then the same shall, by order of the justice, be forthwith delivered over to or for the use of the rightful owner thereof; and the offender, on conviction of such offence before the justice, shall forfeit and pay, over and above the value of the goods, merchandize or articles, such sum of money, not exceeding 20 *l.*, as to the justice shall seem meet. Persons in possession of shipwrecked goods, not giving a satisfactory account. See post, s. 63.

XX. And be it enacted, that if any person shall offer or expose for sale any goods, merchandize or articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any ship or vessel in distress, or wrecked, stranded or cast on shore as aforesaid, in every such case any person to whom the same shall be offered for sale, or any officer of the customs or excise, or peace officer, may lawfully seize the same, and shall with all convenient speed carry the same, or give notice of such seizure, to some justice of the peace; and if the person who shall have offered or exposed the same for sale, being duly summoned by such justice, shall not appear and satisfy the justice that he came lawfully by such goods, merchandize or articles, then the same shall, by order of the justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the justice) to the person who seized the same; and the offender, on conviction of such offence by the justice, shall forfeit and pay, over and above the value of the goods, merchandize or articles, such sum of money, not exceeding 20 *l.*, as to the justice shall seem meet. If any person offers shipwrecked goods for sale, the goods may be seized, &c. See post, s. 65 & 67.

XXI. And be it enacted, that if any person shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously obliterate, injure or destroy any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order or warrant of attorney, or any original document whatsoever of or belonging to any court of record, or relating to any matter civil or criminal, begun, depending or terminated in any such court, or any bill, answer, interrogatory, deposition, affidavit, order or decree, or any original document whatsoever of or belonging to any court of equity, or relating to any cause or matter begun, depending or terminated in any such court, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the court shall award; and it shall not in any indictment for such offence be necessary to allege that the article, in respect of which the offence is committed, is the property of any person, or that the same is of any value. The stealing, &c. of records and other proceedings of courts of justice.

XXII. And be it enacted, that if any person shall, either during the life of the testator or testatrix, or after his or her death, steal, or for any fraudulent purpose destroy or conceal, any will, codicil or other testamentary instrument, whether the same shall relate to real or personal estate, or to both, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to any of the punishments which the court may award as hereinbefore last mentioned; and it shall not in any indictment for such offence be necessary to allege that such will, codicil or other instrument, is the property of any person, or that the same is of any value. The stealing, &c. of wills.

XXIII. And be it enacted, that if any person shall steal any paper or parchment, written or printed, or partly written and partly printed, being evidence of the title, or of any part of the title to any real estate, every such offender shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be liable to any The stealing of writings relating to real estate.

any of the punishments which the court may award as hereinbefore last mentioned; and in any indictment for such offence, it shall be sufficient to allege the thing stolen to be evidence of the title, or of part of the title of the person, or of some one of the persons having a present interest, whether legal or equitable, in the real estate to which the same relates, and to mention such real estate, or some part thereof; and it shall not be necessary to allege the thing stolen to be of any value.

These provisions as to wills and writings shall not lessen any remedy which the party aggrieved now has.

XXIV. Provided always, and be it enacted, that nothing in this Act contained relating to either of the misdemeanors aforesaid, nor any proceeding, conviction or judgment to be had or taken thereupon, shall prevent, lessen or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at law or suit in equity against him; and no person shall be liable to be convicted of either of the misdemeanors aforesaid, by any evidence whatever, in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act, on oath, in consequence of any compulsory process of any court of law or equity, in any action, suit or proceeding which shall have been *bond fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any commissioners of bankrupts.

Stealing horses, cows, and sheep.

XXV. And be it enacted, that if any person shall steal any horse, mare, gelding, colt or filly, or any bull, cow, ox, heifer or calf, or any ram, ewe, sheep or lamb, or shall wilfully kill any of such cattle, with intent to steal the carcass or skin or any part of the cattle so killed, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Stealing, &c. deer in any inclosed ground, felony.

XXVI. And be it enacted, that if any person shall unlawfully and wilfully course, hunt, snare or carry away, or kill or wound, or attempt to kill or wound, any deer kept or being in the inclosed part of any forest, chase or purlieu, or in any inclosed land wherein deer shall be usually kept, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny; and if any person shall unlawfully and wilfully course, hunt, snare or carry away, or kill or wound, or attempt to kill or wound, any deer kept or being in the uninclosed part of any forest, chase or purlieu, he shall for every such offence, on conviction thereof before a justice of the peace, forfeit and pay such sum, not exceeding 50 £., as to the justice shall seem meet; and if any person, who shall have been previously convicted of any offence relating to deer for which a pecuniary penalty is by this Act imposed, shall offend a second time, by committing any of the offences hereinbefore last enumerated, such second offence, whether it be of the same description as the first offence or not, shall be deemed felony, and such offender, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

The like in certain uninclosed ground punished summarily.

See post, s. 66 & 67.

Deer stealing in uninclosed ground, after any other offence as to deer, felony.

Suspected persons found in possession of venison, &c. and not satisfactorily accounting for it.

See post, s. 63.

See post, s. 66 & 67.

In case they cannot be convicted, how the justice may proceed.

XXVII. And be it enacted, that if any deer, or the head, skin or other part thereof, or any snare or engine for the taking of deer, shall by virtue of a search warrant, to be granted as hereinafter mentioned, be found in the possession of any person, or on the premises of any person with his knowledge, and such person, being carried before a justice of the peace, shall not satisfy the justice that he came lawfully by such deer, or the head, skin or other part thereof, or had a lawful occasion for such snare or engine, and did not keep the same for any unlawful purpose, he shall, on conviction by the justice, forfeit and pay any sum not exceeding 20 £.; and if any such person shall not under the provisions aforesaid be liable to conviction, then, for the discovery of the party who actually killed or stole such deer, it shall be lawful for the justice, at his discretion, as the evidence given and the circumstances of the case shall require, to summon before him every person through whose hands such deer, or the head, skin or other part thereof, shall appear to have passed; and if the person from whom the same shall have been first received, or who shall have had possession thereof, shall not satisfy the justice that he came lawfully by the same, he shall, on conviction by the justice, be liable to the payment of such sum of money as is hereinbefore last mentioned.

Setting engines for taking deer, or pulling down park fences.

XXVIII. And be it enacted, that if any person shall unlawfully and wilfully set or use any snare or engine whatsoever, for the purpose of taking or killing deer, in any part of any forest, chase or purlieu, whether such part be inclosed or not, or

or in any fence or bank dividing the same from any land adjoining, or in any inclosed land where deer shall be usually kept, or shall unlawfully and wilfully destroy any part of the fence of any land where any deer shall be then kept, every such offender, being convicted thereof before a justice of the peace, shall forfeit and pay such sum of money, not exceeding 20*l.*, as to the justice shall seem meet. See post, s. 66 & 67.

XXIX. And be it enacted, that if any person shall enter into any forest, chase or purlieu, whether inclosed or not, or into any inclosed land where deer shall be usually kept, with intent unlawfully to hunt, course, wound, kill, snare or carry away any deer, it shall be lawful for every person entrusted with the care of such deer, and for any of his assistants, whether in his presence or not, to demand from every such offender any gun, fire-arms, snare or engine in his possession, and any dog there brought for hunting, coursing or killing deer, and in case such offender shall not immediately deliver up the same, to seize and take the same from him in any of those respective places, or, upon pursuit made, in any other place to which he may have escaped therefrom, for the use of the owner of the deer; and if any such offender shall unlawfully beat or wound any person entrusted with the care of the deer, or any of his assistants, in the execution of any of the powers given by this Act, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny. Deer-keepers, &c. may seize the guns, &c. of offenders who on demand do not deliver up the same.

XXX. And be it enacted, that if any person shall unlawfully and wilfully in the night-time take or kill any hare or coney in any warren or ground lawfully used for the breeding or keeping of hares or conies, whether the same be inclosed or not, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be punished accordingly; and if any person shall unlawfully and wilfully in the day-time take or kill any hare or coney in any such warren or ground, or shall at any time set or use therein any snare or engine for the taking of hares or conies, every such offender, being convicted thereof before a justice of the peace, shall forfeit and pay such sum of money, not exceeding 5*l.*, as to the justice shall seem meet: provided always, that nothing herein contained shall affect any person taking or killing in the day-time any conies on any sea-bank or river-bank in the county of Lincoln, so far as the tide shall extend, or within one furlong of such bank. Resistance to keepers, &c. in the execution of their duty.

XXXI. And be it enacted, that if any person shall steal any dog, or shall steal any beast or bird ordinarily kept in a state of confinement, not being the subject of larceny at common law, every such offender, being convicted thereof before a justice of the peace, shall for the first offence forfeit and pay, over and above the value of the dog, beast or bird, such sum of money, not exceeding 20*l.*, as to the justice shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding 12 calendar months, as the convicting justice shall think fit; and if such subsequent conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction. Killing, &c. hares or conies in a warren in the night-time.

XXXII. And be it enacted, that if any dog or any such beast, or the skin thereof, or any such bird, or any of the plumage thereof, shall be found in the possession or on the premises of any person, by virtue of a search warrant to be granted as hereinafter mentioned, the justice by whom such warrant was granted may restore the same respectively to the owner thereof; and the person in whose possession or on whose premises the same shall be so found (such person knowing that the dog, beast or bird has been stolen, or that the skin is the skin of a stolen dog or beast, or that the plumage is the plumage of a stolen bird) shall, on conviction before a justice of the peace, be liable for the first offence to such forfeiture, and for every subsequent offence to such punishment, as persons convicted of stealing any dog, beast or bird are hereinbefore made liable to. The like in the day-time.

XXXIII. And be it enacted, that if any person shall unlawfully and wilfully kill, wound or take any house-dove or pigeon, under such circumstances as shall not amount to larceny at common law, every such offender, being convicted thereof Stealing dogs, or stealing beasts or birds ordinarily kept in confinement, and not the subjects of larceny.

before a justice of the peace, shall forfeit and pay, over and above the value of the bird, any sum not exceeding 2 *l*.

Taking fish in any water situate in land belonging to a dwelling-house;

in any private fishery elsewhere.

See post, s. 66 & 67.

Provision respecting Anglers.

See post, s. 66 & 67.

XXXIV. And be it enacted, that if any person shall unlawfully and wilfully take or destroy any fish in any water which shall run through or be in any land adjoining or belonging to the dwelling-house of any person being the owner of such water, or having a right of fishery therein, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be punished accordingly; and if any person shall unlawfully and wilfully take or destroy, or attempt to take or destroy, any fish in any water not being such as aforesaid, but which shall be private property, or in which there shall be any private right of fishery, every such offender, being convicted thereof before a justice of the peace, shall forfeit and pay, over and above the value of the fish taken or destroyed (if any), such sum of money, not exceeding 5 *l*., as to the justice shall seem meet: provided always, that nothing hereinbefore contained shall extend to any person angling in the day-time; but if any person shall by angling in the day-time unlawfully and wilfully take or destroy, or attempt to take or destroy, any fish in any such water as first mentioned, he shall, on conviction before a justice of the peace, forfeit and pay any sum not exceeding 5 *l*.; and if in any such water as last mentioned, he shall, on the like conviction, forfeit and pay any sum not exceeding 2 *l*., as to the justice shall seem meet; and if the boundary of any parish, township or vill shall happen to be in or by the side of any such water as is hereinbefore mentioned, it shall be sufficient to prove that the offence was committed either in the parish, township or vill named in the indictment or information, or in any parish, township or vill adjoining thereto.

The tackle of fishers may be seized

Angler, on seizure of his tackle, exempt from penalty.

XXXV. And be it enacted, that if any person shall at any time be found fishing against the provisions of this Act, it shall be lawful for the owner of the ground, water or fishery where such offender shall be so found, his servants, or any person authorized by him, to demand from such offender any rods, lines, hooks, nets or other implements for taking or destroying fish which shall then be in his possession, and in case such offender shall not immediately deliver up the same, to seize and take the same from him for the use of such owner: provided always, that any person angling in the day-time against the provisions of this Act, from whom any implements used by anglers shall be taken, or by whom the same shall be delivered up as aforesaid, shall by the taking or delivering thereof be exempted from the payment of any damages or penalty for such angling.

Stealing oysters or oyster brood from oyster beds.

Dredging for oysters within the limits of any oyster fishery.

Proviso.

XXXVI. And be it enacted, that if any person shall steal any oysters or oyster brood from any oyster bed, laying or fishery, being the property of any other person, and sufficiently marked out or known as such, every such offender shall be deemed guilty of larceny, and being convicted thereof, shall be punished accordingly; and if any person shall unlawfully and wilfully use any dredge, or any net, instrument or engine whatsoever, within the limits of any such oyster fishery, for the purpose of taking oysters or oyster brood, although none shall be actually taken, or shall, with any net, instrument or engine, drag upon the ground or soil of any such fishery, every such person shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be punished by fine or imprisonment, or both, as the court shall award; such fine not to exceed 20 *l*., and such imprisonment not to exceed three calendar months; and it shall be sufficient in any indictment or information to describe, either by name or otherwise, the bed, laying or fishery in which any of the said offences shall have been committed, without stating the same to be in any particular parish, township or vill: provided always, that nothing herein contained shall prevent any person from catching or fishing for any floating fish within the limits of any oyster fishery, with any net, instrument or engine adapted for taking floating fish only.

stealing from certain mines.

XXXVII. And be it enacted, that if any person shall steal, or sever with intent to steal, the ore of any metal, or any lapis calaminaris, manganese or mundick, or any wad, black cawke or black lead, or any coal or cannel coal, from any mine, bed or vein thereof, respectively, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing trees, shrubs, &c. growing in certain situations, shall be

XXXVIII. And be it enacted, that if any person shall steal, or shall cut, break, root up or otherwise destroy or damage with intent to steal, the whole or any part of

of any tree, sapling or shrub, or any underwood, respectively growing in any park, pleasure-ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house, every such offender (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of 1*l*.) shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny; and if any person shall steal, or shall cut, break, root up or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling or shrub, or any underwood, respectively growing elsewhere than in any of the situations hereinbefore mentioned, every such offender (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of 5*l*.) shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

felony, if the value exceeds 1*l*.

Stealing trees, shrubs, &c. growing elsewhere, shall be felony, if the value exceeds 5*l*.

XXXIX. And be it enacted, that if any person shall steal, or shall cut, break, root up or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same may be respectively growing, the stealing of such article or articles or the injury done being to the amount of 1*s*. at the least, every such offender, being convicted before a justice of the peace, shall for the first offence forfeit and pay, over and above the value of the article or articles stolen, or the amount of the injury done, such sum of money, not exceeding 5*l*., as to the justice shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall for such second offence be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve calendar months, as the convicting justice shall think fit; and if such second conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped after the expiration of four days from the time of such conviction; and if any person so twice convicted shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing trees, shrubs, &c. wheresoever growing, and of any value above 1*s*., punishable on summary conviction for first and second offence; third offence, felony. See *post*, s. 66 & 67.

XL. And be it enacted, that if any person shall steal, or shall cut, break or throw down with intent to steal, any part of any live or dead fence, or any wooden post, pale or rail set up or used as a fence, or any stile or gate, or any part thereof respectively, every such offender, being convicted before a justice of the peace, shall for the first offence forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding 5*l*., as to the justice shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve calendar months as the convicting justice shall think fit; and if such subsequent conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Stealing, &c. any live or dead fence, wooden fence, stile or gate. See *post*, s. 66 & 67.

XLI. And be it enacted, that if the whole or any part of any tree, sapling or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, rail, stile or gate, or any part thereof, being of the value of 2*s*. at the least, shall, by virtue of a search warrant, to be granted as hereinafter mentioned, be found in the possession of any person, or on the premises of any person with his knowledge, and such person, being carried before a justice of the peace, shall not satisfy the justice that he came lawfully by the same, he shall on conviction by the justice forfeit and pay, over and above the value of the article or articles so found, any sum not exceeding 2*l*.

Suspected persons in possession of wood, &c. not satisfactorily accounting for it. See *post*, s. 63.

See *post*, s. 66 & 67.

XLII. And be it enacted, that if any person shall steal, or shall destroy or damage with intent to steal, any plant, root, fruit or vegetable production, growing in any garden, orchard, nursery ground, hothouse, greenhouse or conservatory, every such offender, being convicted thereof before a justice of the peace, shall, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six calendar months, or else shall forfeit and pay, over

Stealing, &c. any fruit or vegetable production in a garden, &c. punishable on summary conviction for first offence; second offence, felony. See *post*, s. 66 & 67.

and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not exceeding 20*l*, as to the justice shall seem meet; and if any person so convicted shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing, &c. of vegetable productions not growing in gardens, &c.

See post, s. 66 & 67.

XLIII. And be it enacted, that if any person shall steal, or shall destroy or damage with intent to steal, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard or nursery ground, every such offender, being convicted before a justice of the peace, shall, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one calendar month, or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not exceeding 20*s*. as to the justice shall seem meet, and in default of payment thereof, together with the costs, (if ordered,) shall be committed as aforesaid, for any term not exceeding one calendar month, unless payment be sooner made; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding six calendar months, as the convicting justice shall think fit; and if such subsequent conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Stealing glass, woodwork, or fixtures of any kind from buildings, and metal fixtures from grounds.

XLIV. And be it enacted, that if any person shall steal, or rip, cut or break with intent to steal, any glass or woodwork belonging to any building whatsoever, or any lead, iron, copper, brass or other metal, or any utensil or fixture, whether made of metal or other material, respectively fixed in or to any building whatsoever, or any thing made of metal fixed in any land being private property, or for a fence to any dwelling-house, garden or area, or in any square, street or other place dedicated to public use or ornament, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny; and in case of any such thing fixed in any square, street or other like place, it shall not be necessary to allege the same to be the property of any person.

Tenants and lodgers stealing any property from houses or apartments let to them.

XLV. And for the punishment of depredations committed by tenants and lodgers, be it enacted, that if any person shall steal any chattel or fixture let to be used by him or her in or with any house or lodging, whether the contract shall have been entered into by him or her, or by her husband, or by any person on behalf of him or her, or her husband, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny; and in every such case of stealing any chattel it shall be lawful to prefer an indictment in the common form as for larceny, and in every such case of stealing any fixture to prefer an indictment in the same form as if the offender were not a tenant or lodger, and in either case to lay the property in the owner or person letting to hire.

Clerks and servants stealing property of their masters.

XLVI. And for the punishment of depredations committed by clerks and servants in cases not punishable capitally, be it enacted, that if any clerk or servant shall steal any chattel, money or valuable security belonging to or in the possession or power of his master, every such offender, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years, or to be imprisoned for any term not exceeding three years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Clerks or servants receiving any money, &c. on their master's account, and embezzling it, shall be deemed

XLVII. And for the punishment of embezzlements committed by clerks and servants, be it declared and enacted, that if any clerk or servant, or any person employed for the purpose or in the capacity of a clerk or servant, shall, by virtue of such employment, receive or take into his possession any chattel, money or valuable

valuable security, for or in the name or on the account of his master, and shall fraudulently embezzle the same, or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his master, although such chattel, money or security was not received into the possession of such master otherwise than by the actual possession of his clerk, servant or other person so employed; and every such offender, being convicted thereof, shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

ed to have feloniously stolen it.

XLVIII. And for preventing the difficulties that have been experienced in the prosecution of the last-mentioned offenders, be it enacted, that it shall be lawful to charge in the indictment and proceed against the offender for any number of distinct acts of embezzlement not exceeding three, which may have been committed by him against the same master, within the space of six calendar months from the first to the last of such acts; and in every such indictment, except where the offence shall relate to any chattel, it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved, or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

Distinct acts of embezzlement may be charged in the same indictment.

As to allegation and proof of the property embezzled.

XLIX. And for the punishment of embezzlements committed by agents entrusted with property, be it enacted, that if any money, or security for the payment of money, shall be entrusted to any banker, merchant, broker, attorney or other agent, with any direction in writing to apply such money or any part thereof, or the proceeds or any part of the proceeds of such security, for any purpose specified in such direction, and he shall, in violation of good faith, and contrary to the purpose so specified, in anywise convert to his own use or benefit such money, security or proceeds, or any part thereof respectively, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the court shall award; and if any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund, whether of this kingdom, or of Great Britain or of Ireland, or of any foreign state, or in any fund of any body corporate, company or society, shall be entrusted to any banker, merchant, broker, attorney or other agent, for safe custody, or for any special purpose, without any authority to sell, negotiate, transfer or pledge, and he shall, in violation of good faith, and contrary to the object or purpose for which such chattel, security or power of attorney shall have been entrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney shall relate, or any part thereof, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

Agents embezzling money entrusted to them to be applied to any special purpose;

or embezzling any goods or valuable security entrusted to them for safe custody, or for any special purpose, guilty of a misdemeanor.

L. Provided always, and be it enacted, that nothing hereinbefore contained relating to agents shall affect any trustee in or under any instrument whatever, or any mortgagee of any property, real or personal, in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker merchant, broker, attorney or other agent, from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring or otherwise disposing of securities or effects in his possession, upon which he shall have any lien, claim or demand, entitling him by law so to do, unless such sale, transfer or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim or demand.

Not to affect trustees or mortgagees;

nor bankers, &c. receiving money due on securities,

or disposing of securities on which they have a lien.

Factors pledging for their own use any goods or documents relating to goods entrusted to them for the purpose of sale, guilty of a misdemeanor.

LI. And be it enacted, that if any factor or agent entrusted, for the purpose of sale, with any goods or merchandize, or entrusted with any bill of lading, warehouse-keeper's or wharfinger's certificate, or warrant or order for delivery of goods or merchandize, shall, for his own benefit and in violation of good faith, deposit or pledge any such goods or merchandize, or any of the said documents, as a security for any money or negotiable instrument borrowed or received by such factor or agent at or before the time of making such deposit or pledge, or intended to be thereafter borrowed or received, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the court shall award; but no such factor or agent shall be liable to any prosecution for depositing or pledging any such goods or merchandize, or any of the said documents, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which, at the time of such deposit or pledge, was justly due and owing to such factor or agent from his principal, together with the amount of any bill or bills of exchange drawn by or on account of such principal, and accepted by such factor or agent.

Not to extend to cases where the pledge does not exceed the amount of their lien.

These provisions as to agents shall not lessen any remedy which the party aggrieved now has.

LII. Provided always, and be it enacted, that nothing in this Act contained, nor any proceeding, conviction or judgment to be had or taken thereupon, against any banker, merchant, broker, factor, attorney or other agent as aforesaid, shall prevent, lessen or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at law or suit in equity against him; and no banker, merchant, broker, factor, attorney or other agent as aforesaid, shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act, on oath, in consequence of any compulsory process of any court of law or equity, in any action, suit or proceeding which shall have been *bona fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any commissioners of bankrupt.

Obtaining money, &c. by false pretences, a misdemeanor.

LIII. And whereas a failure of justice frequently arises from the subtle distinction between larceny and fraud; for remedy thereof, be it enacted, that if any person shall by any false pretence obtain from any other person any chattel, money or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to suffer such other punishment, by fine or imprisonment, or by both, as the court shall award: provided always, that if upon the trial of any person indicted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no such indictment shall be removable by *certiorari*; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts.

No acquittal on the ground that the case proved amounts to larceny.

Where the original offence is felony, the receivers of stolen property may be tried either as accessories after the fact, or for a substantive felony.

LIV. And with regard to receivers of stolen property, be it enacted, that if any person shall receive any chattel, money, valuable security or other property whatsoever, the stealing or taking whereof shall amount to a felony either at common law or by virtue of this Act, such person knowing the same to have been feloniously stolen or taken, every such receiver shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or for a substantive felony, and in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years, or to be imprisoned for any term not exceeding three years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment: provided always, that no person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

L.V. An I

LV. And be it enacted, that if any person shall receive any chattel, money, valuable security or other property whatsoever, the stealing, taking, obtaining or converting whereof is made an indictable misdemeanor by this Act, such person knowing the same to have been unlawfully stolen, taken, obtained or converted, every such receiver shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice; and every such receiver shall on conviction be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Where the original offence is a misdemeanor, receivers may be prosecuted for a misdemeanor.

LVI. And be it enacted, that if any person shall receive any chattel, money, valuable security or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained or converted, every such person, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, may be dealt with, indicted, tried and punished in any county or place in which he shall have or shall have had any such property in his possession, or in any county or place in which the party guilty of the principal felony or misdemeanor may by law be tried, in the same manner as such receiver may be dealt with, indicted, tried and punished in the county or place where he actually received such property.

All receivers may be tried where the principal is triable, or where the property is found in their possession, as well as where the receiving takes place.

LVII. And to encourage the prosecution of offenders, be it enacted, that if any person, guilty of any such felony or misdemeanor as aforesaid, in stealing, taking, obtaining or converting, or in knowingly receiving any chattel, money, valuable security or other property whatsoever, shall be indicted for any such offence by or on the behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and the court before whom any such person shall be so convicted, shall have power to award from time to time writs of restitution for the said property, or to order the restitution thereof in a summary manner: provided always, that if it shall appear, before any award or order made, that any valuable security shall have been *bonâ fide* paid or discharged by some person or body corporate liable to the payment thereof, or, being a negotiable instrument, shall have been *bonâ fide* taken or received by transfer or delivery, by some person or body corporate, for a just and valuable consideration, without any notice, or without any reasonable cause to suspect that the same had, by any felony or misdemeanor, been stolen, taken, obtained or converted as aforesaid, in such case the court shall not award or order the restitution of such security.

The owner of stolen property prosecuting thief or receiver to conviction, shall have restitution of his property.

Exception.

LVIII. And be it enacted, that every person who shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security or other property whatsoever, which shall by any felony or misdemeanor have been stolen, taken, obtained or converted as aforesaid, shall (unless he cause the offender to be apprehended and brought to trial for the same) be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Taking a reward for helping to the recovery of stolen property without bringing the offender to trial.

LIX. And be it enacted, that if any person shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing or making any inquiry after the person producing such property, or shall promise or offer in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money by way of loan upon any property stolen or lost, the money so paid or advanced, or any other sum of money or reward for the return of such property, or if any person shall print or publish any such advertisement, in any of the above cases every such person shall forfeit the sum of fifty pounds for every such offence, to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

Advertising a reward for the return of stolen property, &c.

Receivers of property, where the original offence is punishable on summary conviction.

LX. And be it enacted, that where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, on conviction thereof before a justice of the peace, be liable, for every first, second or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second or subsequent offence of stealing or taking such property is by this Act made liable.

Principals in the second degree and accessories.

LXI. And be it enacted, that in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property), shall on conviction be liable to be imprisoned for any term not exceeding two years; and every person who shall aid, abet, counsel or procure the commission of any misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Abettors in misdemeanors.

Abettors in offences punishable on summary conviction.

LXII. And be it enacted, that if any person shall aid, abet, counsel or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, every such person shall, on conviction before a justice of the peace, be liable, for every first, second or subsequent offence of aiding, abetting, counselling or procuring, to the same forfeiture and punishment to which a person guilty of a first, second or subsequent offence, as a principal offender, is by this Act made liable.

A person in the act of committing any offence may be apprehended without a warrant.

LXIII. And for the more effectual apprehension and discovery of all offenders punishable under this Act, be it enacted, that any person found committing any offence punishable, either upon indictment or upon summary conviction, by virtue of this Act, except only the offence of angling in the day-time, may be immediately apprehended without a warrant by any peace officer, or by the owner of the property on or with respect to which the offence shall be committed, or by his servant or any person authorized by him, and forthwith taken before some neighbouring justice of the peace, to be dealt with according to law; and if any credible witness shall prove, upon oath before a justice of the peace, a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever, on or with respect to which any such offence shall have been committed, the justice may grant a warrant to search for such property, as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and if in his power, is required to apprehend and forthwith to carry before a justice of the peace the party offering the same, together with such property, to be dealt with according to law.

A justice, upon good grounds of suspicion, proved on oath, may grant a search warrant.

Any person to whom stolen property is offered, may seize the party offering it.

Limitation as to summary proceedings.

LXIV. And be it enacted, that the prosecution for every offence punishable on summary conviction under this Act shall be commenced within three calendar months after the commission of the offence, and not otherwise; and the evidence of the party aggrieved shall be admitted in proof of the offence, and also the evidence of any inhabitant of the county, riding or division in which the offence shall have been committed, notwithstanding any penalty or forfeiture incurred by the offence may be payable to the general rate of such county, riding or division.

Competency of witnesses.

Mode of compelling the appearance of persons punishable on summary conviction.

LXV. And for the more effectual prosecution of all offences punishable on summary conviction under this Act, be it enacted, that where any person shall be charged, on the oath of a credible witness, before any justice of the peace with any such offence, the justice may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode) the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself or some other justice of the peace, or the justice before whom the charge shall be made may (if he shall so think fit), without any previous summons (unless where otherwise

wise specially directed), issue such warrant, and the justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

LXVI. And with regard to the application of all forfeitures and penalties upon summary convictions under this Act, be it enacted, that every sum of money, which shall be forfeited for the value of any property stolen or taken, or for the amount of any injury done, (such value or amount to be assessed in each case by the convicting justice,) shall be paid to the party aggrieved, if known, except where such party shall have been examined in proof of the offence, and in that case, or where the party aggrieved is unknown, such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any justice of the peace, whether in addition to such value or amount, or otherwise, shall be paid to some one of the overseers of the poor, or to some other officer (as the justice may direct) of the parish, township or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding or division in which such parish, township or place shall be situate, whether the same shall or shall not contribute to such general rate: provided always, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the value of the property or to the amount of the injury, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only; and the corresponding sum or sums forfeited by the other offender or offenders shall be applied in the same manner as any penalty imposed by a justice of the peace is hereinbefore directed to be applied.

Application of forfeitures and penalties on summary convictions.

Proviso.

LXVII. And be it enacted, that in every case of a summary conviction under this Act, where the sum which shall be forfeited for the value of the property stolen or taken, or for the amount of the injury done, or which shall be imposed as a penalty by the justice, shall not be paid, either immediately after the conviction, or within such period as the justice shall, at the time of the conviction, appoint, it shall be lawful for the convicting justice (unless where otherwise specially directed) to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed 5*l.*; and for any term not exceeding four calendar months, where the amount with costs shall not exceed 10*l.*; and for any term not exceeding six calendar months, in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

If a person summarily convicted shall not pay, &c. the justice may commit him.

Scale of imprisonment.

LXVIII. Provided always, and be it enacted, that where any person shall be summarily convicted before a justice of the peace of any offence against this Act, and it shall be a first conviction, it shall be lawful for the justice, if he shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the justice.

Justice may discharge the offender in certain cases.

LXIX. And be it enacted, that it shall be lawful for the King's Majesty to extend his royal mercy to any person imprisoned by virtue of this Act, although he shall be imprisoned for nonpayment of money to some party other than the Crown.

Pardon for nonpayment of money.

LXX. And be it enacted, that in case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid, together with costs, under such conviction, or shall have received a remission thereof from the Crown, or shall have suffered the imprisonment awarded for nonpayment thereof, or the imprisonment adjudged in the first instance, or shall have been discharged from his conviction in the manner aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

A summary conviction shall be a bar to any other proceeding for the same cause.

LXXI. And be it enacted, that the justice before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up

Form of conviction.

in the following form of words, or in any other form of words to the same effect, as the case shall require ; viz.

“ BE it remembered, that on the day of
 “ in the year of our Lord at
 “ in the county of [or riding, division, liberty, city, &c.
 “ as the case may be], *A. O.* is convicted before me *J. P.*, one of his Majesty’s
 “ justices of the peace for the said county [or riding, &c.] for that he the said *A. O.*
 “ did [*specify the offence, and the time and place when and where the same was com-*
 “ *mitted, as the case may be ; and on a second conviction state the first conviction*]:
 “ and I the said *J. P.* adjudge the said *A. O.* for his said offence to be imprisoned
 “ in the [or to be imprisoned in the
 “ and there kept to hard labour] for the space of [or, I adjudge
 “ the said *A. O.* for his said offence to forfeit and pay
 “ [*here state the penalty actually imposed, or state the penalty, and also the value of*
 “ *the articles stolen, or the amount of the injury done, as the case may be*], and also
 “ to pay the sum of for costs, and in default of immediate
 “ payment of the said sums, to be imprisoned in the
 “ [or to be imprisoned in the and there kept to hard labour]
 “ for the space of unless the said sums shall be sooner paid ;
 “ [or, and I order that the said sums shall be paid by the said *A. O.* on or before
 “ the day of]; and I direct that the said sum of
 “ [i. e. *the penalty only*] shall be paid to of
 “ aforesaid, in which the said offence was committed, to be by
 “ him applied according to the directions of the statute in that case made and
 “ provided [or that the said sum of [i. e. *the penalty*] shall
 “ be paid to, &c. [*as before*]; and that the said sum of [i. e. *the value*
 “ of the articles stolen, or the amount of the injury done] shall be paid to *C. D.*
 “ [*the party aggrieved, unless he is unknown or has been examined in proof of the*
 “ *offence, in which case state that fact, and dispose of the whole like the penalty, as*
 “ *before*]; and I order that the said sum of for costs shall
 “ be paid to [the complainant]. Given under my hand and
 “ seal, the day and year first above mentioned.”

Appeal.

LXXII. And be it enacted, that in all cases where the sum adjudged to be paid on any summary conviction shall exceed 5 *l.*, or the imprisonment adjudged shall exceed one calendar month, or the conviction shall take place before one justice only, any person who shall think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions, which shall be holden not less than twelve days after the day of such conviction, for the county, riding or division wherein the cause of complaint shall have arisen ; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance with two sufficient sureties before a justice of the peace, conditioned personally to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded ; and upon such notice being given, and such recognizance being entered into, the justice before whom the same shall be entered into shall liberate such person if in custody ; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet ; and in case of the dismissal of the appeal or the affirmance of the conviction shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

No certiorari, &c.

LXXIII. And be it enacted, that no such conviction or adjudication made on appeal therefrom shall be quashed for want of form, or be removed by certiorari or otherwise into any of his Majesty’s superior courts of record ; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Convictions to be returned to the quarter sessions.

LXXIV. And be it enacted, that every justice of the peace before whom any person shall be convicted of any offence against this Act shall transmit the conviction

viction to the next court of general or quarter sessions, which shall be holden for the county or place wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

How far evidence in future cases.

LXXV. And for the protection of persons acting in the execution of this Act, be it enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the county where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon.

Venue, in proceedings against persons acting under this Act.

Notice of action.

General issue, &c.

LXXVI. Provided always, and be it enacted, that nothing in this Act contained shall extend to Scotland or Ireland, except as follows; (that is to say,) that if any person, having stolen or otherwise feloniously taken any chattel, money, valuable security, or other property whatsoever, in any one part of the United Kingdom, shall afterwards have the same property in his possession in any other part of the United Kingdom, he may be dealt with, indicted, tried and punished for larceny or theft in that part of the United Kingdom where he shall so have such property, in the same manner as if he had actually stolen or taken it in that part; and if any person in any one part of the United Kingdom shall receive or have any chattel, money, valuable security, or other property whatsoever, which shall have been stolen or otherwise feloniously taken in any other part of the United Kingdom, such person knowing the said property to have been stolen or otherwise feloniously taken, he may be dealt with, indicted, tried and punished for such offence in that part of the United Kingdom where he shall so receive or have the said property, in the same manner as if it had been originally stolen or taken in that part.

This Act not to extend to Scotland or Ireland, except in two cases.

LXXVII. And be it enacted, that where any felony or misdemeanor punishable under this Act shall be committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, inquired of, tried and determined in the same manner as any other felony or misdemeanor committed within that jurisdiction.

To extend to offences committed at sea.

ANNO SEPTIMO & OCTAVO GEORGII IV. REGIS, c. 30.

AN ACT for consolidating and amending the Laws in England relative to malicious Injuries to Property.—21st June 1827.

WHEREAS various statutes now in force in that part of the United Kingdom called England, relative to malicious injuries to property, are by an Act of the present session of Parliament repealed, from and after the last day of June in the present year, except as to offences committed before or upon that day; and it is expedient that the provisions contained in those statutes should be amended and consolidated into this Act, to take effect at the same time as the said repealing Act: Be it therefore enacted by the King's most excellent Majesty, by and with

Commencement of Act.

the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall commence on the 1st day of July in the present year.

Setting fire to a church, chapel, house, or certain buildings.

II. And be it enacted, that if any person shall unlawfully and maliciously set fire to any church or chapel, or to any chapel for the religious worship of persons dissenting from the United Church of England and Ireland, duly registered or recorded, or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Destroying silk, woollen, linen or cotton goods in the loom, &c. or any machinery belonging to those manufactures, &c.

III. And be it enacted, that if any person shall unlawfully and maliciously cut, break or destroy, or damage with intent to destroy or to render useless, any goods or article of silk, woollen, linen or cotton, or of any one or more of those materials mixed with each other, or mixed with any other material, or any framework-knitted piece, stocking, hose or lace respectively, being in the loom or frame, or on any machine or engine, or on the rack or tenters, or in any stage, process or progress of manufacture; or shall unlawfully and maliciously cut, break or destroy, or damage with intent to destroy or to render useless, any warp or shute of silk, woollen, linen or cotton, or of any one or more of those materials mixed with each other, or mixed with any other material, or any loom, frame, machine, engine, rack, tackle or implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such goods or articles; or shall by force enter into any house, shop, building or place, with intent to commit any of the offences aforesaid, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice or thrice publicly or privately whipped, (if the court shall so think fit), in addition to such imprisonment.

Destroying threshing machines, or machinery in any other manufacture than the foregoing.

IV. And be it enacted, that if any person shall unlawfully and maliciously cut, break or destroy, or damage with intent to destroy or to render useless, any threshing machine, or any machine or engine, whether fixed or moveable, prepared for or employed in any manufacture whatsoever (except the manufacture of silk, woollen, linen or cotton goods, or goods of any one or more of those materials mixed with each other, or mixed with any other material, or any framework-knitted piece, stocking, hose or lace), every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Setting fire to a coal-mine.

V. And be it enacted, that if any person shall unlawfully and maliciously set fire to any mine of coal or cannel coal, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Drowning any mine, or filling up any shaft, &c. with intent to destroy the mine.

VI. And be it enacted, that if any person shall unlawfully and maliciously cause any water to be conveyed into any mine, or into any subterraneous passage communicating therewith, with intent thereby to destroy or damage such mine, or to hinder or delay the working thereof, or shall with the like intent unlawfully and maliciously pull down, fill up or obstruct any air-way, water-way, drain, pit level or shaft of or belonging to any mine, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment: provided always, that this provision shall not extend to any damage committed under ground by any owner of any adjoining mine in working the same, or by any person duly employed in such working.

Proviso.

VII. And

VII. And be it enacted, that if any person shall unlawfully and maliciously pull down or destroy, or damage with intent to destroy or to render useless, any steam-engine or other engine for sinking, draining or working any mine, or any staith, building or erection used in conducting the business of any mine, or any bridge, waggon-way or trunk for conveying minerals from any mine, whether such engine, staith, building, erection, bridge, waggon-way or trunk be completed or in an unfinished state, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to any of the punishments which the court may award as hereinbefore last mentioned.

Destroying any engine, erection, &c. used in any mine.

VIII. And be it enacted, that if any persons, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force demolish, pull down or destroy, or begin to demolish, pull down or destroy any church or chapel, or any chapel for the religious worship of persons dissenting from the United Church of England and Ireland, duly registered or recorded, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop oast, barn or granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or in any branch thereof, or any steam engine or other engine for sinking, draining or working any mine, or any staith, building or erection used in conducting the business of any mine, or any bridge, waggon-way or trunk for conveying minerals from any mine, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Rioters demolishing, &c. a church, chapel, house, or certain buildings, or any machinery in any manufactory or mine.

IX. And be it enacted, that if any person shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Setting fire to, or destroying a ship.

X. And be it enacted, that if any person shall unlawfully and maliciously damage, otherwise than by fire, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or to render the same useless, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Damaging a ship, otherwise than by fire.

XI. And be it enacted, that if any person shall exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same), every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Exhibiting false signals to a ship, &c.; destroying a ship-wrecked vessel or cargo, &c.

XII. And be it enacted, that if any person shall unlawfully and maliciously break down or cut down any sea-bank or sea-wall, or the bank or wall of any river, canal or marsh, whereby any lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level or otherwise destroy any lock, sluice, floodgate or other work on any navigable river or canal, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment; and if any person shall unlawfully and maliciously cut off, draw up or remove any piles, chalk or other materials fixed in the ground and used for securing any sea-bank or sea-wall, or the bank or wall of any river, canal or marsh, or shall unlawfully and maliciously open or draw up any floodgate, or do any other injury or mischief to any

Destroying any sea-bank, &c. or works on any river or canal.

Removing the piles of any sea-bank, &c., or doing any damage to obstruct the navigation of a river or canal.

navigable river or canal, with intent and so as thereby to obstruct or prevent the carrying on, completing or maintaining the navigation thereof, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Injury to a public bridge.

XIII. And be it enacted, that if any person shall unlawfully and maliciously pull down or in anywise destroy any public bridge, or do any injury with intent and so as thereby to render such bridge or any part thereof dangerous or impassable, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Destroying a turnpike-gate, toll-house, &c.

XIV. And be it enacted, that if any person shall unlawfully and maliciously throw down, level or otherwise destroy, in whole or in part, any turnpike-gate, or any wall, chain, rail, post, bar or other fence belonging to any turnpike-gate, or set up or erected to prevent passengers passing by without paying any toll directed to be paid by any Act or Acts of Parliament relating thereto, or any house, building or weighing-engine erected for the better collection, ascertainment or security of any such toll, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be punished accordingly.

Breaking down the dam of a fishery, &c. or mill-dam.

XV. And be it enacted, that if any person shall unlawfully and maliciously break down or otherwise destroy the dam of any fish-pond, or of any water which shall be private property, or in which there shall be any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish therein, or shall unlawfully and maliciously break down or otherwise destroy the dam of any millpond, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Killing or maiming cattle.

XVI. And be it enacted, that if any person shall unlawfully and maliciously kill, maim or wound any cattle, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Setting fire to a stack of corn, grain, straw, hay, &c.

XVII. And be it enacted, that if any person shall unlawfully and maliciously set fire to any stack of corn, grain, pulse, straw, hay or wood, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon; and if any person shall unlawfully and maliciously set fire to any crop of corn, grain or pulse, whether standing or cut down, or to any part of a wood, coppice or plantation of trees, or to any heath, gorse, furze or fern, wheresoever the same may be growing, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

The like to certain crops, plantations and heath.

Destroying hopbinds.

XVIII. And be it enacted, that if any person shall unlawfully and maliciously cut or otherwise destroy any hopbinds growing on poles in any plantation of hops, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

XIX. And

XIX. And be it enacted, that if any person shall unlawfully and maliciously cut, break, bark, root up or otherwise destroy or damage the whole or any part of any tree, sapling or shrub, or any underwood, respectively growing in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house, every such offender (in case the amount of the injury done shall exceed the sum of 1 *l.*) shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment; and if any person shall unlawfully and maliciously cut, break, bark, root up or otherwise destroy or damage the whole or any part of any tree, sapling or shrub, or any underwood, respectively growing elsewhere than in any of the situations hereinbefore mentioned, every such offender (in case the amount of the injury done shall exceed the sum of 5 *l.*) shall be guilty of felony, and being convicted thereof, shall be liable to any of the punishments which the court may award for the felony hereinbefore last mentioned.

Destroying or damaging trees, shrubs, &c. growing in certain situations, shall be felony, if the value exceeds 1 *l.*

The like to trees, shrubs, &c. growing elsewhere, shall be felony, if the value exceeds 5 *l.*

XX. And be it enacted, that if any person shall unlawfully and maliciously cut, break, bark, root up or otherwise destroy or damage the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same may be respectively growing, the injury done being to the amount of 1 *s.* at the least, every such offender, being convicted before a justice of the peace, shall for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding 5 *l.*, as to the justice shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall for such second offence be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve calendar months, as the convicting justice shall think fit; and if such second conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction; and if any person so twice convicted shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and being convicted thereof, shall be liable to any of the punishments which the court may award for the felony hereinbefore last mentioned.

Destroying or damaging trees, shrubs, &c. wheresoever growing, and of any value above 1 *s.*, punishable on summary conviction for first and second offence; third offence, felony.

See *post*, s. 32 & 33.

XXI. And be it enacted, that if any person shall unlawfully and maliciously destroy, or damage with intent to destroy, any plant, root, fruit or vegetable production, growing in any garden, orchard, nursery ground, hothouse, greenhouse or conservatory, every such offender, being convicted thereof before a justice of the peace, shall, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six calendar months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding 20 *l.*, as to the justice shall seem meet; and if any person so convicted shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and being convicted thereof, shall be liable to any of the punishments which the court may award for the felony hereinbefore last mentioned.

Destroying, &c. any fruit or vegetable production in a garden, &c. punishable on summary conviction for first offence; second offence, felony.

See *post*, s. 32 & 33.

XXII. And be it enacted, that if any person shall unlawfully and maliciously destroy, or damage with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard or nursery ground, every such offender, being convicted thereof before a justice of the peace, shall, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one calendar month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding 20 *s.*, as to the justice shall seem meet, and in default of payment thereof, together with the costs, if ordered, shall be committed as aforesaid for any term not exceeding one calendar month, unless payment be sooner made; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in

Destroying, &c. vegetable productions not growing in gardens, &c.

See *post*, s. 32 & 33.

like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding six calendar months, as the convicting justice shall think fit; and if such subsequent conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Destroying, &c. any fence, wall, stile or gate.

See *post*, s. 32 & 33.

XXIII. And be it enacted, that if any person shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever, or any wall, stile or gate, or any part thereof respectively, every such offender, being convicted before a justice of the peace, shall, for the first offence, forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding 5*l.*, as to the justice shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve calendar months, as the convicting justice shall think fit; and if such subsequent conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Persons committing damage to any property, in any case not previously provided for, may be compelled by a justice to pay compensation not exceeding 5*l.*

Application of the money awarded.

See *post*, s. 32.

XXIV. And be it enacted, that if any person shall wilfully or maliciously commit any damage, injury or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no remedy or punishment is hereinbefore provided, every such person, being convicted thereof before a justice of the peace, shall forfeit and pay such sum of money as shall appear to the justice to be a reasonable compensation for the damage, injury or spoil so committed, not exceeding the sum of 5*l.*; which sum of money shall, in the case of private property, be paid to the party aggrieved, except where such party shall have been examined in proof of the offence; and in such case, or in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in such manner as every penalty imposed by a justice of the peace under this Act is hereinafter directed to be applied; and if such sum of money, together with costs (if ordered), shall not be paid either immediately after the conviction, or within such period as the justice shall at the time of the conviction appoint, the justice may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, as the justice shall think fit, for any term not exceeding two calendar months, unless such sum and costs be sooner paid: provided always, that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass, not being wilful and malicious, committed in hunting, fishing, or in the pursuit of game, but that every such trespass shall be punishable in the same manner as before the passing of this Act.

Proviso.

Malice against the owners not essential to any offence under this Act.

XXV. And be it enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment, or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

Principals in the second degree and accessories.

Abettors in misdemeanors.

XXVI. And be it enacted, that in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding two years; and every person who shall aid, abet, counsel or procure the commission of any misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal offender.

The court may, for all offences within this Act, order hard labour or solitary confinement.

XXVII. And be it enacted, that where any person shall be convicted of any indictable offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned or to be imprisoned and kept to hard labour, in the common gaol or house of correction,

rection, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the court in its discretion shall seem meet.

XXVIII. And for the more effectual apprehension of all offenders against this Act, be it enacted, that any person found committing any offence against this Act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended, without a warrant, by any peace officer, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some neighbouring justice of the peace, to be dealt with according to law.

Persons in the act of committing any offence may be apprehended without a warrant.

XXIX. And be it enacted, that the prosecution for every offence punishable on summary conviction under this Act, shall be commenced within three calendar months after the commission of the offence, and not otherwise; and the evidence of the party aggrieved shall be admitted in proof of the offence, and also the evidence of any inhabitant of the county, riding or division in which the offence shall have been committed, notwithstanding any forfeiture or penalty incurred by the offence may be payable to the general rate of such county, riding or division.

Limitation as to summary proceedings.

Competency of witnesses.

XXX. And for the more effectual prosecution of all offences punishable on summary conviction under this Act, be it enacted, that where any person shall be charged on the oath of a credible witness, before any justice of the peace, with any such offence, the justice may summon the person charged to appear at a time and place to be named in such summons; and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode) the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself or some other justice of the peace; or the justice before whom the charge shall be made may (if he shall so think fit) without any previous summons (unless where otherwise specially directed) issue such warrant; and the justice before whom the person charged shall appear or be brought, shall proceed to hear and determine the case.

Mode of compelling the appearance of persons punishable on summary conviction.

XXXI. And be it enacted, that where any offence is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, any person who shall aid, abet, counsel or procure the commission of such offence, shall, on conviction before a justice of the peace, be liable, for every first, second or subsequent offence of aiding, abetting, counselling or procuring, to the same forfeiture and punishment to which a person guilty of a first, second or subsequent offence, as a principal offender, is by this Act made liable.

Abettors in offences punishable on summary conviction.

XXXII. And with regard to the application of all forfeitures and penalties upon summary convictions under this Act, be it enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount to be assessed in each case by the convicting justice) shall be paid to the party aggrieved, if known, except where such party shall have been examined in proof of the offence, and in that case, or where the party aggrieved is unknown, such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any justice of the peace, whether in addition to such amount or otherwise, shall be paid to some one of the overseers of the poor, or to some other officer (as the justice may direct) of the parish, township or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding or division in which such parish, township or place shall be situate, whether the same shall or shall not contribute to such general rate: provided always, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only; and the corresponding sum or sums forfeited by the other offender or offenders shall be applied in the same manner as any penalty imposed by a justice of the peace is hereinbefore directed to be applied.

Application of forfeitures and penalties upon summary convictions.

Proviso.

If a person summarily convicted shall not pay, &c. the justice may commit him.

XXXIII. And be it enacted, that in every case of a summary conviction under this Act, where the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the justice, shall not be paid, either immediately after the conviction, or within such period as the justice shall, at the time of the conviction, appoint, it shall be lawful for the convicting justice (unless where otherwise specially directed) to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, for any term not exceeding two calendar months; where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed 5*l.*; and for any term not exceeding four calendar months, where the amount, with costs, shall not exceed 10*l.*; and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

Scale of imprisonment.

The justice may discharge the offender in certain cases.

XXXIV. Provided always, and be it enacted, that where any person shall be summarily convicted before a justice of the peace of any offence against this Act, and it shall be a first conviction, it shall be lawful for the justice, if he shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damages and costs, or either of them, as shall be ascertained by the justice.

Pardon for nonpayment of money.

XXXV. And be it enacted, that it shall be lawful for the King's Majesty to extend his royal mercy to any person imprisoned by virtue of this Act, although he shall be imprisoned for nonpayment of money to some party other than the Crown.

A summary conviction shall be a bar to any other proceeding for the same cause.

XXXVI. And be it enacted, that in case any person convicted of any offence punishable upon summary conviction by virtue of this Act, shall have paid the sum adjudged to be paid, together with costs, under such conviction, or shall have received a remission thereof from the Crown, or shall have suffered the imprisonment awarded for nonpayment thereof, or the imprisonment adjudged in the first instance, or shall have been discharged from his conviction in the manner aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

Form of conviction.

XXXVII. And be it enacted, that the justice before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require; *videlicet*,

" BE it remembered, that on the _____ day of _____ in the
 " year of our Lord _____ at _____ in the county
 " of _____ [or riding, division, liberty, city, &c. as the case may be],
 " A. O. is convicted before me J. P., one of his Majesty's justices of the peace
 " for the said county [or riding, &c.], for that he the said A. O. did [*specify the*
 "*offence, and the time and place when and where the same was committed, as the case*
 "*may be; and on a second conviction state the first conviction*]; and I the said J. P.
 " adjudge the said A. O. for his said offence to be imprisoned in the _____
 " [or to be imprisoned in the _____ and there kept to hard labour]
 " for the space of _____ [or, I adjudge the said A. O. for his said offence
 " to forfeit and pay _____ [*here state the penalty actually imposed, or*
 "*state the penalty and also the amount of the injury done, as the case may be*], and
 " also to pay the sum of _____ for costs; and in default of im-
 " mediate payment of the said sums, to be imprisoned in the _____
 " [or to be imprisoned in the _____ and there kept to hard labour]
 " for the space of _____ unless the said sums shall be sooner paid ;
 " [or, and I order that the said sums shall be paid by the said A. O. on or before
 " the _____ day of _____] ; and I direct that the said sum of
 " _____ [i. e. the penalty only] shall be paid to _____ of
 " aforesaid, in which the said offence was committed, to be by him applied ac-
 " cording to the directions of the statute in that case made and provided ; [or that
 " the said sum of _____ [i. e. the penalty] shall be paid to, &c. [as before],
 " and that the said sum of _____ [i. e. the sum for the amount of the
 " *injury done*] shall be paid to C. D. [*the party aggrieved, unless he is unknown or*
 " *has been examined in proof of the offence, in which case state that fact and dispose*
 " of _____]

“ *of the whole like the penalty, as before*]; and I order that the said sum of
 “ for costs shall be paid to *[the complainant.]*
 “ Given under my hand and seal, the day and year first above-mentioned.”

XXXVIII. And be it enacted, that in all cases where the sum adjudged to be paid on any summary conviction shall exceed 5*l.*, or the imprisonment adjudged shall exceed one calendar month, or the conviction shall take place before one justice only, any person who shall think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions, which shall be holden not less than 12 days after the day of such conviction, for the county, riding or division wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions or enter into a recognizance with two sufficient sureties before a justice of the peace, conditioned personally to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given and such recognizance being entered into, the justice before whom the same shall be entered into shall liberate such person, if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet; and in case of the dismissal of the appeal or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment. Appeal.

XXXIX. And be it enacted, that no such conviction or adjudication made on appeal therefrom shall be quashed for want of form, or be removed by certiorari or otherwise into any of his Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same. No certiorari, &c.

XL. And be it enacted, that every justice of the peace before whom any person shall be convicted of any offence against this Act, shall transmit the conviction to the next court of general or quarter sessions which shall be holden for the county or place wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown. Convictions to be returned to the quarter sessions.
How far evidence in future cases.

XLI. And for the protection of persons acting in the execution of this Act, be it enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the county where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon. Venue, in proceedings against persons acting under this Act.
Notice of action.
General issue, &c.

XLII. Provided always, and be it enacted, that nothing in this Act contained shall extend to Scotland or Ireland. Not to extend to Scotland or Ireland.

To extend to offences
committed at sea.

XLIII. And be it enacted, that where any felony or misdemeanor punishable under this Act shall be committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, inquired of, tried and determined in the same manner as any other felony or misdemeanor committed within that jurisdiction.

ANNO NONO GEORGII IV. REGIS.

(No. 2.)

By His Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council.

AN ACT for adopting a certain Act of Parliament, passed in the Seventh and Eighth Years of His Majesty King George the Fourth, to regulate the Practice of Arrests.—26th March 1828.

& 8 G. 4, c. 71.

WHEREAS it is expedient that a certain Act of Parliament made and passed in the seventh and eighth years of his present Majesty, intituled, "An Act to prevent Arrests upon Mesne Process, where the Debt or Cause of Action is under Twenty Pounds, and to regulate the Practice of Arrests," should be adopted in New South Wales; Be it enacted by his Excellency the Governor of New South Wales, with the advice of the Council, that the said Act of Parliament shall be and the same is hereby directed to be adopted in New South Wales and its dependencies, and applied in the administration of justice in like manner as other Acts of Parliament are adopted and applied in the said colony.

Ralph Darling.

Passed the Legislative Council, this 26th day of March 1828.

T. De La Condamine,
Clerk of Council.

ANNO SEPTIMO & OCTAVO GEORGII IV. REGIS, CAP. LXXI.

AN ACT to prevent Arrests upon Mesne Process, where the Debt or Cause of Action is under Twenty Pounds; and to regulate the Practice of Arrests.—2d July 1827.

12 G. 1, c. 29.

WHEREAS by an Act made in the twelfth year of the reign of his late Majesty King George the First, intituled, "An Act to prevent frivolous and vexatious Arrests," it was amongst other things enacted, that from and after the 24th day of June 1726, no person should be held to special bail upon any process issuing out of any superior court where the cause of action should not amount to the sum of 10 l. or upwards, nor out of any inferior court where the cause of action should not amount to the sum of 40 s. or upwards; and that in all cases where the cause of action should not amount to 10 l. or upwards in any such superior court, or to 40 s. or upwards in any such inferior court, and the plaintiff or plaintiffs should proceed by way of process against the person, he, she or they should not arrest or cause to be arrested the body of the defendant or defendants, but should serve him, her or them personally within the jurisdiction of the court with a copy of the process; and if such defendant or defendants should not appear at the return of the process, or within four days after such return, in such case it should be lawful for the plaintiff or plaintiffs, upon affidavit being made and filed in the proper court of the personal service of such process as aforesaid (which affidavit should be filed gratis), to enter a common appearance or file common bail for the defendant or defendants, and to proceed thereon as if such defendant or defendants had entered his, her or their appearance, or filed common bail; which Act was explained and amended by an Act passed in the fifth year of the reign of his Majesty King George the Second, intituled, "An Act to explain, amend and render more effectual an Act made in the Twelfth year of the Reign of His late Majesty King George the First, intituled, 'An Act to prevent frivolous and vexatious Arrests:—'"

5 G. 2, c. 27.

And

And whereas by the said Act made in the fifth year of the reign of his said late Majesty King George the Second, it was enacted, that where the cause of action should not amount to 10 *l.* or upwards in any superior court, or to 40 *s.* or upwards in any inferior court, no special writ or writs, nor any process specially therein expressing the cause or causes of action, should be sued forth or issued from any such superior or inferior court, to compel any person or persons to appear thereon in such court or courts; and all proceedings and judgments on any such writs are thereby declared to be void and of none effect: And whereas the said several Acts being temporary, the same were afterwards made perpetual by an Act passed in the twenty-first year of the reign of his said late Majesty King George the Second: And whereas by an Act passed in the nineteenth year of the reign of his late Majesty King George the Third, intituled, “An Act for extending the Provisions of an Act made in the Twelfth year of the Reign of King George the First, intituled, ‘An Act to prevent frivolous and vexatious Arrests,’ and for other Purposes,” it was enacted, that from and after the 1st day of July 1779, no person should be arrested or held to special bail upon any process issuing out of any inferior court where the cause of action should not amount to the sum of 10 *l.* or upwards, but that the like copies of process should be served, and the like proceedings had thereupon in such inferior court, in all cases where the action should not amount to 10 *l.* or upwards, as are directed to be had by the said Act of the twelfth year of the reign of King George the First, in such inferior court, where the cause of action shall not amount to the sum of 40 *s.*, any law or usage to the contrary notwithstanding; and further provisions were made touching proceedings in such inferior courts, in conformity to the provisions of the said former Act; and so much of any Act or Acts passed for the recovery of debts within any districts and jurisdictions, as authorized arrest and imprisonment of defendants where the cause of action should amount to less than 10 *l.*, was thereby repealed; and further provisions were made touching actions in inferior courts where the cause of action should not amount to 10 *l.*: And whereas by an Act passed in the forty-third year of the reign of his late Majesty King George the Third, intituled, “An Act for the more effectual Prevention of frivolous and vexatious Arrests and Suits, and to authorize the levying of Poundage upon Executions in certain Cases,” it was enacted, that from and after the 1st day of June 1803, no person should be arrested or held to special bail upon any process issuing out of any court within those parts of the United Kingdom of Great Britain and Ireland called England and Ireland, for a cause of action not originally amounting to such sum for which such person was by the laws then in being liable to be arrested and held to bail, over and above and exclusive of any costs, charges and expenses that may have been incurred, recovered or become chargeable in or about the suing for or recovering the same or any part thereof: And whereas it is expedient to extend and render more effectual the provisions of the said recited Acts; Be it therefore enacted, by the King’s most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the 1st day of August 1827, no person shall be held to special bail upon any process issuing out of any court, where the cause of action shall not have originally amounted to the sum of 20 *l.* or upwards, over and above and exclusive of any costs, charges and expenses that may have been incurred, recovered or become chargeable in or about the suing for or recovering the same or any part thereof; and that in all cases where the cause of action shall not amount to 20 *l.* or upwards, exclusive of such costs, charges and expenses as aforesaid, and the plaintiff or plaintiffs shall proceed by the way of process against the person, he, she or they shall not arrest or cause to be arrested the body of the defendant or defendants, but shall serve him, her or them personally, within the jurisdiction of the court, with a copy of the process and proceedings thereupon, in such manner as by the said Act of the twelfth year of the reign of his late Majesty King George the First is provided in cases where the cause of action shall not amount to 10 *l.* or upwards in any superior court, or to 40 *s.* or upwards in any inferior court; and that where the cause of action in any court shall not amount to the sum of 20 *l.* exclusive of such costs, charges and expenses as aforesaid, no special writ or writs, nor any process specially therein expressing the cause or causes of action, shall from and after the said 1st day of August be sued forth or issued from any court, in order to compel any person or persons to appear thereon in such court; and all proceedings and judgments that shall from and after the said 1st day of August be had on any such writ or process shall be and are hereby declared to be void and of no effect.

19 G. 3, c. 70.

43 G. 3, c. 46.

No person to be held to special bail where the cause of action is less than 20*l.*

Defendant discharged from arrest upon making deposit with the sheriff pursuant to 43 G. 3, c. 46, may, instead of perfecting special bail, allow deposit to be paid into court;

or if he remains in custody, or gives bail to the sheriff, he may pay the debt into court, with 20 l. to answer costs, and file common bail.

II. And whereas by the said Act passed in the forty-third year of the reign of his late Majesty King George the Third, persons arrested upon mesne process were enabled, in lieu of giving bail to the sheriff, to deposit in the hands of the sheriff the sum indorsed upon the writ, together with 10 l. in addition to such sum, to answer the costs which might accrue up to the time of the return of the writ, and also such further sum, if any, as should have been paid for the King's fine upon any original writ, and should thereupon be discharged from such arrest: And whereas it is expedient to extend the provisions of the said Act, and to enable persons who have been arrested to deposit or pay into the court in which the writ shall be returnable the sum indorsed upon the writ, together with an additional sum as a security for costs, to abide the event of the suit, instead of putting in and perfecting bail in the said action; Be it therefore enacted, that in all cases in which any defendant shall have been discharged from arrest upon making such deposit as is required by the said recited Act, and the sum so deposited shall have been paid into court, it shall be lawful for such defendant, instead of putting in and perfecting special bail in the action, according to the course and practice of the court, to allow the sum so deposited with the sheriff, and by him paid into court as aforesaid, together with the additional sum of 10 l., to be paid into court by such defendant as a further security for the costs of the action, to remain in the court to abide the event of the suit; and in all cases where any defendant shall have been arrested and shall have given bail to the sheriff, or shall have been arrested and remain in custody, it shall be lawful for such last-mentioned defendant, instead of putting in and perfecting special bail, to deposit and pay into the said court the sum indorsed upon the writ, together with the amount of the King's fine, if any, upon the original writ, and the further sum of 20 l. as a security for the costs of the action, there to remain to abide the event of the suit; and thereupon the said defendant may and he is hereby required to enter a common appearance, or file common bail in the action, within such time as he would have been required to have put in and perfected special bail in the action according to the course of the said court, or in default thereof the plaintiff in the action is hereby empowered to enter such common appearance or file common bail for the said defendant, and the cause may proceed as if the defendant had put in and perfected special bail; and in case judgment in the said action shall be given for the plaintiff, he shall be entitled, by order of the court, upon motion made for that purpose, to receive the said money so remaining in, or so deposited or paid into the court as aforesaid, or so much thereof as will be sufficient to satisfy the sum recovered by the judgment and the costs of the application; and if judgment be given in the said action for the defendant, or the plaintiff discontinue his suit, or be otherwise barred, or in case the sum deposited and paid into court be more than sufficient to satisfy the plaintiff, the said money so deposited or paid into court, or so much thereof as shall remain, shall by order of the court, upon motion to be made for that purpose, be repaid to such defendant.

Defendant may receive such deposits and payment out of court, upon perfecting special bail.

III. Provided always, and be it enacted, that it shall and may be lawful for the said defendant who hath made his election to make such deposit and payment as aforesaid, at any time in the progress of the cause before issue joined in law or fact, or final or interlocutory judgment signed, to receive the same out of court, by order of the said court, upon putting in and perfecting special bail in the cause, and payment of such costs to the plaintiff as the said court shall direct.

Defendant, after perfecting bail, may make deposit and payment, and file common bail.

IV. Provided also, and be it further enacted, that it shall and may be lawful for any defendant who shall have put in and perfected special bail in any cause, upon motion to the court in which the action is brought, if the court shall so think fit, to deposit and pay into court the sum which would have been deposited and paid in case the defendant had originally elected so to do, together with such further sum, to answer the costs, as the court may direct, to abide the event of the said suit, and to be disposed of in manner aforesaid; and thereupon it shall be lawful for the said court to direct a common appearance to be entered, or common bail to be filed for the defendant, and an exoneretur to be entered upon the bail piece in the said cause.

Personal service of summons to appear.

V. And whereas the provisions in the said Acts authorizing plaintiffs, in default of appearance of defendants, to enter a common appearance, or file common bail, as therein directed, are not deemed to extend to proceedings by original and other writs whereupon no *capias* is issued, and it is expedient to extend the provisions of the said former Acts to such proceedings; be it further enacted, that in all cases where

where the plaintiff or plaintiffs shall proceed by original or other writ, and summons or attachment thereupon, or by subpoena and attachment thereupon, in any action at law against any person or persons not having privilege of Parliament, no writ of distringas shall issue for default of appearance, but the defendant or defendants shall be served personally with the summons or attachment, at the foot of which shall be written a notice, informing the defendant or defendants of the intent and meaning of such service, to the effect following :

“ *C. D.* [*naming the defendant*], you are served with this process at the suit of “ *A. B.* [*naming the plaintiff or plaintiffs*], to the intent that you may appear by “ your attorney in his Majesty’s court of _____ at Westminster, at the “ return hereof, being the _____ day of _____ in order to your “ defence in this action; and take notice, that in default of your appearance, the “ said *A. B.* will cause an appearance to be entered for you, and proceed thereon “ as if you had yourself appeared by your attorney.”

But in case it shall be made appear to the satisfaction of the court, or, in the vacation, of any Judge of the court from which such process shall issue, or into which the same shall be returnable, that the defendant or defendants could not be personally served with such summons or attachment, and that such process had been duly executed at the dwelling-house or place of abode of such defendant or defendants, and then it shall and may be lawful for the plaintiff or plaintiffs, by leave of the court, or order of such Judge as aforesaid, to sue out a writ of distringas to compel the appearance of such defendant or defendants; and that at the time of the execution of such writ of distringas there shall be served on the defendant or defendants, by the officer executing such writ, if he, she or they can be met with, and if he, she or they cannot then be met with, there shall be left at his, her, or their dwelling-house or other place where such distringas shall be executed, a written notice in the following form :

When defendant does not appear, the plaintiff may proceed by writ of distringas.

“ IN the court of _____ [*specifying the court in which the suit shall be depending*], between *A. B.* plaintiff, and *C. D.* defendant [*naming the parties*]: Take notice, that I have this day distrained upon your goods and chattels for the sum of forty shillings, in consequence of your not having appeared by your attorney in the said court at the return of a writ of returnable there on the _____ day of _____; and that in default of your appearing to the present writ of distringas at the return thereof, being the _____ day of _____ the said *A. B.* will cause an appearance to be entered for you, and proceed thereon as if you had yourself appeared by your attorney.

Form of notice on the execution of writ of distringas.

“ *E. F.* [*the name of the sheriff’s officer.*]

“ To *C. D.*, the above-named defendant.”

And if such defendant or defendants shall not appear at the return of such original or other writ, or of such distringas, as the case may be, or within eight days after the return thereof, in such case it shall and may be lawful to and for the plaintiff or plaintiffs, upon affidavit being made and filed in the proper court of the personal service of such summons or attachment, and notice written on the foot thereof as aforesaid, or of the due execution of such distringas, and of the service of such notice as is hereby directed on the execution of such distringas, as the case may be, to enter a common appearance for the defendant or defendants, and to proceed thereon as if such defendant or defendants had entered his, her or their appearance, any law or usage to the contrary notwithstanding; and that such affidavit or affidavits may be made before any Judge or commissioner of the court out of or into which such writ shall issue or be returnable, authorized to take affidavits in such court, or else before the proper officer for entering common appearances in such court, or his lawful deputy, and which affidavit is hereby directed to be filed gratis.

If defendant does not appear within eight days, plaintiff may enter a common appearance.

VI. And be it further enacted, that all and every the provisions contained in the said Act of the nineteenth year of the reign of his late Majesty King George the Third, respecting actions in inferior courts where the cause of action should amount to less than 10*l.*, shall be and the same are hereby, from and after the said 1st day of August, extended to all actions in such courts where the cause of action shall not amount to 20*l.*, exclusive of all costs, charges and expenses as aforesaid; and that so much of any Act or Acts heretofore passed for the recovery of debts within certain districts and jurisdictions, which may have authorized the arrest and imprisonment

From 1st Aug. 1827, the provisions of 19 G. 3, c. 70, extended to actions for higher sums.

imprisonment of defendants when the cause of action amounts to less than 20*l*, exclusive of such costs, charges and expenses as aforesaid, shall be and the same is hereby, from and after the said 1st day of August, repealed.

As to arrests in Wales, Chester, Lancaster or Durham, by process out of any courts at Westminster.

VII. And whereas the holding to special bail persons inhabiting within the principality of Wales, or counties palatine, by process out of the courts of record at Westminster, in debts of small amount, is oppressive and vexatious, and the remedy intended for prevention thereof, by an Act passed in the eleventh and twelfth years of the reign of King William the Third, intituled, "An Act for preventing of frivolous and vexatious Suits in the Principality of Wales, and the Counties Palatine," ought to be amended and extended; Be it enacted, that no sheriff or other officer within the said principality, or the counties palatine of Chester, Lancaster or Durham, shall, upon any mesne process issuing out of any of his Majesty's courts of record at Westminster, after the said 1st day of August, arrest or hold any person to special bail, unless such process shall be duly marked and indorsed for bail in a sum not less than 50*l*.

Sheriff, &c. not to execute process unless the writ be delivered by an attorney, &c. and indorsed with his name and place of abode.

VIII. And whereas arrests of the person have in many instances been made under writs sued out by persons not being attornies or solicitors, and whose places of residence have been unknown, and the practice has been found to be productive of oppression and vexation; Be it enacted, that from and after the said 1st day of August next, no sheriff, under-sheriff, or other officer having the execution of process, shall grant any warrant for the arrest of, or shall arrest the person of any defendant, upon any writ or process issued by any plaintiff in his own person, unless the same writ shall, at or before the time of granting such warrant, or of making such arrest, be delivered to such sheriff, under-sheriff, or other officer having the execution of process, by some attorney of one of the courts of record at Westminster, or of the courts of great sessions in Wales, or of the courts of the counties palatine of Lancaster or Durham, or of the court out of which the said writ shall have issued, or by the clerk of such attorney, or an agent authorized by such attorney in writing, and unless the said writ shall be indorsed by such attorney or his clerk, or such agent as aforesaid, in the presence of such sheriff, under-sheriff, or other officer having the execution of process, with the name and place of abode of such attorney.

Warrants, &c. contrary hereto, void.

IX. And be it further enacted, that all warrants granted, and all arrests of the person made, contrary to the provisions of this Act, shall be altogether illegal and void: provided always, that nothing herein contained shall extend to any writ or process sued out by any attorney, solicitor, clerk of court, or other officer of any court, having authority to sue out process in his own name.

Act not to extend to Scotland or Ireland.

X. Provided always, that nothing herein contained shall extend to those parts of the United Kingdom called Scotland and Ireland.

ANNO NONO GEORGII IV. REGIS.

(No. 3.)

By His Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council.

AN ACT to enable the Proprietors of a certain Banking Company heretofore carried on at Sydney, under the name and designation of the Bank of New South Wales, commonly called the Old Bank of New South Wales, to sue and be sued in the name of the President for the time being of the said Bank: and also to enable the Proprietors of a certain Banking Company to be established in Sydney, under the name, style and firm of the Bank of New South Wales, commonly called the New Bank of New South Wales, to sue and be sued in like manner in the name of the President for the time being; and for other purposes therein mentioned.

Preamble.

WHEREAS the old bank of New South Wales, notwithstanding the charter of incorporation which was granted to it by his late Excellency Sir Thomas Brisbane, then Governor in Chief of the territory of New South Wales and its dependencies, is,

is, and hath been in contemplation of law only a joint-stock company, since the period of its establishment : And whereas, upon full knowledge and consideration of this matter, it has been nevertheless deemed expedient by the majority of the proprietors of the joint stock and capital thereof that the said bank of New South Wales should be remodelled and continued, as well for the purpose of discount, the issuing of notes and bills, the lending of monies on securities and cash accounts, the receiving of monies on deposit accounts, the safe custody of monies, securities for monies, bullion, treasure, jewels, plate, and other articles not liable to spoil or waste, as for the transacting and negotiating of all such other matters and things as have been heretofore done and performed by the said old bank of New South Wales, or as are usually done and performed in anywise relating to the ordinary business of banking, or as may hereafter be found advisable : And whereas the company about to carry on the said bank, in such its remodelled and continued form, consists of certain shareholders now resident within the said colony of New South Wales, but many of whom, or whose assignees, may and will in the ordinary course of events become resident elsewhere : And whereas the said shareholders, by reason of the assignable property of the shares of the said bank, must be and continue liable to constant change and fluctuation : And whereas, in order to obviate the difficulties that may arise by reason of the premises in the institution of civil proceedings for debts, damage, or other legal or equitable liability, by or against the said company, it would be convenient and just that some member of the company should be enabled to sue and be liable to be sued in the place of the whole of the shareholders thereof : And whereas, in consequence of the remodelling and continuing of the bank of New South Wales as aforesaid, it has been agreed by the majority of the proprietors of old bank stock that the charter of incorporation, so granted as aforesaid, shall cease to be acted upon after the 31st day of December 1827 ; and it would be also expedient, in order to enable the said old bank of New South Wales the more expeditiously to settle its affairs, and for the further security of the proprietors thereof, that the like power of suing and being sued should be vested in some one proprietor thereof, in place of the whole proprietors :

Be it therefore enacted, by his Excellency the Governor of New South Wales' with the advice of the Legislative Council, that all actions and suits against any persons or persons indebted or to be indebted to either of the said banks of New South Wales, whether a proprietor or proprietors thereof respectively, or otherwise, and all other proceedings at law or in equity to be commenced and prosecuted by or on behalf of the said banks respectively, or wherein the said banks respectively are or shall be in anywise concerned, against any person or persons, body or bodies corporate or politic, shall and may be lawfully commenced and prosecuted in the name of the person who shall be the president of the said respective banks at the time any such action, suit or other proceeding shall be instituted, as the nominal plaintiff, complainant or petitioner, for and on behalf of the said respective banks ; and that in all actions at law, and all other suits and proceedings wherein an affidavit of debt is required or customary, it shall be lawful for the respective president of the said banks to depose and swear that the person or persons liable or indebted to the proprietors of the said banks respectively, on any note, bill, bond, mortgage or other security, is and are indebted in the amount thereof to the said president, on behalf of himself and others, his partners in the said respective banks ; and that all actions, suits and other proceedings at law or in equity to be commenced and prosecuted against the said bank respectively shall be commenced and prosecuted against the respective presidents thereof for the time being, as the nominal defendants for and on behalf of the said banks respectively ; and that the death, resignation, removal or other act of the respective president of either of the said banks, shall not abate any such action, suit or other proceeding, but the same may be continued where it left off, and be prosecuted and carried on in the name of any person who may be or become the respective president for the time being of the said bank by which the same shall have been instituted and prosecuted.

President of the banks of New South Wales may sue and be sued in his own name on behalf thereof.

II. And be it further enacted, that a separate memorial of the names of the respective presidents for the time being of the said banks, in the form and to the effect for that purpose set forth in the schedule hereunto annexed, signed by the respective president and directors of the said banks, shall be recorded upon the oath of one or more creditable witness or witnesses, in the Supreme Court of New South Wales, within thirty-one days after the passing of this Act ; and when any director shall be newly elected president of either of the said banks, his name shall be

Name of the president for the time being to be recorded upon oath in the Supreme Court, within thirty-one days, in a memorial of prescribed form.

recorded in the said Supreme Court in like manner within thirty-one days then next following: provided always, that the president and directors for the time being of the old bank of New South Wales on the said thirty-first day of December 1827, and the survivor or survivors of them, shall be considered, held and adjudged to be president and directors of the said bank, until the final close and settlement or the affairs and concerns of the same, and until full and complete dividend, division and transfer of all the capital, stock, estate, effects, property and increase thereof, shall have been made and perfected among all such of the proprietors thereof and all such other persons as are entitled thereto; and that, in the event of the death, retirement or removal of the director who shall fill such office of president for the time being of the said bank on the said thirty-first day of December, then a memorial signed by the director who shall at any time thereafter be elected president for the time being of the said bank, in the place or stead of such dying, retiring or removed president, and by the then surviving directors of the said bank, shall be recorded in the said Supreme Court in manner and within the time aforesaid, and so, *toties quoties*, whensoever any new election of a president for the time being of the said bank shall become necessary by any of the causes aforesaid, until the final close and settlement of the affairs and concerns thereof.

Till then no action may be brought by the banks.

III. Provided always, and be it further enacted, that, until such separate memorial be recorded by the said banks respectively in manner aforesaid, no action, suit or other proceeding shall be brought by such of the said banks as shall omit and neglect to cause such memorial to be recorded in the name of the president thereof for the time being under the authority of this Act.

Execution obtained against the president may be issued against any proprietor or proprietors of the banks.

IV. And be it further enacted, that execution upon any decree or judgment in any such action, suit or other proceeding, obtained against the president for the time being of the said banks respectively, whether he be plaintiff or defendant therein, may be issued against and levied upon the goods and chattels, lands and tenements of any proprietor and proprietors whomsoever of the said bank for the time being, in like manner, but not otherwise, than as if such decree or judgment had been obtained against him, her or them personally: provided always, that every such president, in whose name any such action, suit or other proceeding shall be commenced, prosecuted, carried on or defended, and every such proprietor or proprietors against whose goods and chattels, lands and tenements, execution upon any judgment or decree shall be issued or levied as aforesaid, shall in all cases be reimbursed and paid out of the funds of the said respective banks, or in case of the insufficiency of such funds, by general contribution among the respective proprietors thereof for the time being, all such damages, dues, expenses, costs and charges as by the event of any such action, suit or other proceeding, he, she or they shall or may be put unto or become chargeable with; and all such remedies shall be allowed as between the several proprietors of the said banks respectively for the time being, as if this Act or ordinance had not been passed.

And he or they shall be reimbursed out of its funds.

This Act not to be affected by change of proprietors of the banks.

V. And be it further enacted, that the provisions in this Act contained shall extend and be construed, deemed and taken to extend to the said banks respectively, as far as they are respectively applicable to the same, at all times during the respective continuance of the said banks, and whether the said banks respectively be now or hereafter be composed of some, all or any of the persons who were the original or are the present proprietors thereof respectively, or be composed altogether of persons who were not the original nor are the present proprietors of the said banks respectively.

Does not incorporate the proprietors, or relieve them from individual responsibility.

VI. Provided always, and be it further enacted, that nothing herein contained shall extend or be deemed, taken or construed to extend to incorporate the proprietors of the said banks respectively, or to relieve or discharge them or any of them from any responsibility, duties, contracts or obligations whatsoever, which by law the said respective proprietors now are or at any time hereafter shall be subject or liable to, either between the said banks respectively or other persons, or between the individual proprietors of the said respective banks, or any of them, and others, or amongst themselves respectively, or in any other manner whatsoever, except so far as the same responsibility, duties, contracts or obligations is, are or may be affected by the provisions of this Act or ordinance and the true intent and meaning of the same.

VII. And

All bonds and other securities, not assignable in law, may be sued for in the name of the president for the time being.

And all legal rights
and capacities shall
become vested in him.

Passed the Legislative Council, this 31st day of March 1828.

T. de la Condamine,
Clerk of Council.

Forms of Memorials
referred to.

A. B. President.

241.

MEMORIAL of the Name of the President of the Bank of New South Wales, commonly called the New Bank of New South Wales, to be recorded in the Supreme Court of New South Wales, in pursuance of an Act of his Excellency the Governor in Chief of the territory of New South Wales and its dependencies, with the advice of the Legislative Council, passed in the ninth year of the reign of his Majesty King George the Fourth, intituled, "An Act to enable the Proprietors of a certain Banking Company, heretofore carried on at Sydney, under the name and designation of the Bank of New South Wales, commonly called the Old Bank of New South Wales, to sue and be sued in the name of the President for the time being of the said Bank: and also to enable the Proprietors of a certain Banking Company to be established in Sydney, under the name, style and firm of the Bank of New South Wales, commonly called the New Bank of New South Wales, to sue and be sued in like manner in the name of the President for the time being; and for other purposes therein mentioned."

A. B. President.
(signed) C. D. }
E. F. } Directors { I. J.
G. H. } K. L.
M. N.

O. P. of Sydney, gentleman, secretary [accountant, teller or clerk, as the case may be] of the Bank of New South Wales, commonly called the New Bank of New South Wales, maketh oath and saith, that he was present and did see the foregoing Memorial signed by the respective parties whose names appear thereto.

ANNO NONO GEORGII IV. REGIS.

(No. 4.)

By His Excellency Lieutenant General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice of the Legislative Council.

AN ACT for ascertaining the Number, Names and Condition of the Inhabitants of the Colony of New South Wales; and also the Number of Cattle, and the quantity of located, cleared and cultivated Land within the said Colony.—
30th June 1828.

Preamble.

Magistrates to cause general notices to be affixed in their respective districts preparatory to taking of census.

WHEREAS it is expedient that provision should be made for ascertaining the number, names, ages and conditions of the inhabitants within the territory of New South Wales; as also the number of cattle, and the quantity of located, cleared and cultivated land respectively, within the said territory; be it therefore enacted, by his excellency the Governor of New South Wales and its dependencies, with the advice of the Legislative Council thereof, that, as soon as may be after the passing of this Act, the magistrates of the said territory, in their respective districts, shall cause general notices to be affixed on the several churches, chapels and market-houses, or on such other conspicuous places as they may deem proper within the said territory, requiring every householder, employer of servants, owner or possessor of cattle, proprietor or occupier of land therein, to be prepared, when called upon by such person or persons as may be appointed by the said magistrates, in their respective districts, to collect the information sought to be obtained by this Act, at a period not less than one calendar month from the time of the so affixing of such aforesaid general notices, to answer all, each and every of the questions set forth at the foot of this Act.

Magistrates authorized to impose a fine on persons neglecting to answer truly the questions put to them in pursuance of this Act.

II. And be it further enacted, that in case it shall be made appear to any two or more of such aforesaid magistrates, that any householder, employer of servants, owner or possessor of cattle, proprietor or occupier of land, within the said territory, shall have, when so called upon as aforesaid, wrongfully refused or neglected to answer any of such aforesaid questions, or shall have wilfully answered the same, or any of them, falsely or untruly, in either of such cases it shall be competent for such last aforesaid magistrates to impose a fine, at their discretion, not exceeding 10*l*, on

10 L., on the party so offending, which said fine shall be levied by distress and sale of such party's goods and chattels, and shall be applied towards defraying the expenses of carrying this Act into execution. Fine how leviable.

Questions referred to in the preceding Act.

What are the respective names, ages and conditions of the persons residing with you, in your dwelling-house ?

What are the respective names, ages, conditions and residences of all such other persons as may be in your service or employment ?

Specify the respective years and ships in and by which all of such aforesaid persons, as originally came to the colony prisoners of the Crown, arrived.

What are the respective number of horses, horned cattle and sheep of which you are the owner ; and in whose possession, and in what district, are the same respectively ?

What is the number of acres of land of which you are the proprietor ; in what district is the same ; how much thereof is cleared ; and how much cultivated, and in whose possession is the same ?

Ralph Darling.

Passed the Council, this 30th day of June 1828.

T. de la Condamine, Clerk of Council.

ANNO NONO GEORGII IV. REGIS.

(No. 5.)

By his Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council.

AN ACT for the better Regulation of the Hulk or Floating Prison, in Sydney Harbour, and for establishing Houses of Correction in the Colony.—30th June 1828.

WHEREAS, by an Act of Council, bearing date the 17th day of February 1826, reciting, that in consequence of the inadequacy of the public gaol of Sydney to the present state of the colony, a hulk or floating prison had been provided for the reception and safe keeping of prisoners, it is enacted, that the hulk or floating prison in Sydney harbour, commonly called the Phoenix, shall and may be used as a public prison for the reception and safe keeping of all prisoners, convicted and sentenced for crimes by any competent court in New South Wales, and that such prisoners shall be subject and liable to such rules and regulations as the Governor or acting Governor may from time to time order : And whereas it is found expedient to extend the purposes for which the said floating prison or hulk was available under the provisions of the said recited Act of Council, and to make it a general prison or gaol and house of correction : Be it therefore enacted, by his Excellency the Governor of New South Wales and its dependencies, by and with the advice of the Legislative Council, that from and after the passing of this Act the hulk or floating prison, in Sydney harbour, commonly called the Phoenix, shall be considered as a portion of, and as part of the gaol of Sydney, and the same shall be under the direction and management of the sheriff of New South Wales, and shall be subject to the same rules and regulations as gaols in general. Preamble.

The Phoenix hulk to be under the direction of the sheriff.

II. And it is hereby further enacted, that from and after passing of this Act all prisoners now confined and imprisoned in the gaol of Sydney, or who shall or may at any time hereafter be committed to, or be liable to be imprisoned in, the said gaol of Sydney, either as a common gaol or as a house of correction, shall or may be imprisoned in the said gaol of Sydney, or in the said hulk or floating prison, at the discretion of the sheriff of the colony of New South Wales, and as he shall deem expedient or necessary for the general safety and advantage of such prisoners ; and the sheriff for the time being shall have the power of removing any person or persons

Prisoners may be confined either in the hulk or common gaol, at the discretion of the sheriff.

80 LAWS AND ORDINANCES PASSED BY THE GOVERNOR

persons who may now be, or who may hereafter be confined in the gaol of Sydney, or in the said hulk or floating prison, to and from each other, as often and whenever he shall deem such removal necessary and expedient.

All common gaols are to be considered houses of correction as well as public gaols.

III. And it is hereby further enacted, that from and after the passing of this Act, all the common gaols now erected and being, or at any time hereafter to be erected within the territory of New South Wales, shall be considered to all intents and purposes houses of correction, as well as public gaols.

Ralph Darling.

Passed the Council, this 30th day of June 1828.

T. de la Condamine,
Clerk of Council.

GOVERNMENT ORDERS.

ANNO NONO GEORGII IV. REGIS.

(No. 6.)

By His Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council.

AN ACT for enabling the Governor or Acting Governor of New South Wales to grant Letters of Denization to such Foreigners as may arrive in the Colony with a Recommendation to that effect from His Majesty's Principal Secretary of State for the Colonies.—3d July 1828.

Preamble.

WHEREAS it is expedient that due encouragement should be given to all respectable persons who may be desirous of settling in the colony of New South Wales: And whereas foreign officers, who have been employed in the service of Great Britain, and other strangers and subjects of foreign powers, might be induced to come with their properties to the said colony, if they were enabled to become partakers of the advantages and privileges which the natural-born subjects of his Majesty enjoy: Be it therefore enacted, by his Excellency the Governor of New South Wales, with the advice of the Legislative Council, that it shall and may be lawful for the Governor or acting Governor of the said colony to grant letters of denization, under the seal of the colony, to all such foreign officers or persons as shall arrive in the said colony with a recommendation to that effect from his Majesty's Principal Secretary of State for the Colonies; provided every such foreign officer or person shall apply for such letters of denization by petition, addressed to the Governor or acting Governor for the time being, setting forth the intention of the petitioner to settle in the said colony, and also his native country, his age, profession, trade or usual occupation.

Governor to grant letters of denization.

Proviso.

Oaths to be taken within one month.

II. And be it further enacted, that every person who shall receive letters of denization in virtue of this Act, shall be deemed to be qualified to hold lands in the said colony and its dependencies, and shall be entitled to all the rights, privileges and advantages in the said colony, which are conferred by ancient usage, or by any Act of Parliament now in force, upon any denizen in England; provided that such person shall, within one calendar month after the date of such letters of denization, have taken and subscribed the oaths, and have subscribed the declaration, directed and appointed in and by a certain Act passed in the first year of the reign of his Majesty King George the First, intituled "An Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret Abettors;" and which said oaths and declaration the chief justice, or either of the other judges of the Supreme Court of New South Wales, is hereby required and empowered to administer and receive, in manner and form as in the said Act is prescribed.

III. And

III. And be it further enacted, that the said chief justice or other judge, before whom such oaths shall have been taken, and such declaration shall have been subscribed as aforesaid, shall immediately afterwards certify the same upon the back of the said letters of denization; and shall cause such letters of denization, and the certificate so to be endorsed thereon, to be recorded in the Supreme Court of the said colony; and a certificate of such record shall be deemed and taken, in every court within the said colony and its dependencies, to be a sufficient proof of the person to whom such letters of denization shall have been granted as aforesaid being a denizen subject of Great Britain, to all intents and purposes whatsoever.

Letters of denization to be recorded in the Supreme Court.

Ralph Darling.

Passed the Council, this 3d day of July 1828.

T. De la Condamine,
Clerk of Council.

ANNO NONO GEORGII IV. REGIS.

(No. 7.)

By His Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council.

AN ACT to regulate the Keeping and Carriage of Gunpowder imported into the Colony of New South Wales.—3d July 1828.

WHEREAS it is expedient that the keeping and carriage of gunpowder imported into this colony should be regulated by law, in order to prevent the great mischiefs which may arise from explosions occasioned by the improper exposure or carriage thereof: Be it therefore enacted, by his Excellency the Governor of New South Wales, by and with the advice of the Legislative Council, that from and after the passing of this Act all and every person or persons importing gunpowder into this colony, shall land, or cause the same to be landed, between the hours of seven in the morning and five in the afternoon, and at no other time or times whatever, upon pain of forfeiting the sum of 5*l.* for every barrel of gunpowder that shall be landed other than as aforesaid.

Preamble.

Gunpowder to be landed between the hours of 7 and 5.

Penalty, 5*l.* per barrel.

II. And be it further enacted, that the collector of internal revenue of the said colony for the time being, upon each and every application made to him for that purpose, shall and he is hereby authorized and required to issue a permit or permits to every importer or proprietor of gunpowder, for allowing him or them to have such gunpowder received into one of the government powder magazines in the said colony, and the said collector at the time of issuing such permit is to enter the same in a book to be kept by him for that purpose; and upon production of such permit to the keeper of such magazine, the said keeper is hereby authorized and required to receive such gunpowder into his charge accordingly.

All gunpowder shall be deposited in the government magazines.

III. And be it further enacted by the authority aforesaid, that when and as often as any quantity or quantities of gunpowder shall have been so landed, the importer or proprietor thereof shall and will immediately convey, or cause the same to be conveyed, to such government powder magazines in the said colony, upon pain of forfeiting the sum of 5*l.* per barrel for every such barrel of gunpowder as shall be left exposed for one hour after it shall have been landed, or after five o'clock in the afternoon.

Upon pain of forfeiting 5*l.* per barrel.

IV. And be it further enacted, that all gunpowder so landed as aforesaid shall be in barrels closely joined and hooped, without any iron about them, and so secured that no part of the gunpowder be scattered in the passage; and each barrel shall contain no more than one hundred weight of gunpowder; and no person or persons shall convey, at any one time, more than 10 barrels of gunpowder in any waggon, cart or other carriage; and every carriage in which gunpowder shall be conveyed

Powder how to be secured.

Penalty, 10 l.

shall have a complete covering of wood, painted cloth, tarpaulin or woollen cloth tilts, over all the gunpowder contained therein; and all and every person or persons conveying gunpowder, or causing the same to be conveyed, within any part of this colony in greater quantity or in other manner than is hereinbefore prescribed, shall for every offence forfeit the sum of 10 l.

Dealers not to keep more than two hundred weight in their own possession.

V. And be it further enacted by the authority aforesaid, that no person or persons shall have or keep within any town in the said colony, at any one time, being a dealer or dealers in gunpowder, more than two hundred weight of gunpowder, and not being such, more than one hundred weight of gunpowder, in any house, storehouse, warehouse, shop, cellar, yard, wharf, or any other building or place occupied by the same person or persons, on pain of forfeiting all the gunpowder beyond the quantity hereby allowed to be kept, and the barrels in which such gunpowder shall be, and also the sum of 2 s. for every pound of gunpowder beyond such allowed quantity.

Storage rent to be paid.

VI. And be it further enacted by the authority aforesaid, that for every barrel or cask of gunpowder belonging to private individuals which shall be lodged in any of the government storehouses or magazines as aforesaid, there shall be paid and payable a storage rent of 1 s., provided the same shall not have remained in such magazine for a longer period than six weeks; and after the rate of 2 d. weekly for every such barrel of gunpowder that shall remain in such storehouse or magazine for any period above six weeks, and not exceeding six months; and after the rate of 1 d. weekly for any time that the said quantity of gunpowder shall be left in such storehouse or magazine beyond the said period of six months; and such storage rent shall be paid and payable to the collector of internal revenue for the time being, who is hereby required, upon such payment being made to him by the owner or owners of the gunpowder as aforesaid, to deliver a permit, signed with his hand, requiring the keeper of the government storehouse or magazine to deliver to the bearer of such permit the quantity of gunpowder therein specified.

Amount of rent, how to be applied.

VII. And be it further enacted, that all payments made for the storage of gunpowder under and by virtue of this Act shall be applied for and towards the erection and keeping in repair of the government storehouses and magazines, as also for and towards the payment of the officers or persons in charge of such storehouses or magazines respectively.

On the oath of one person of gunpowder being kept contrary to this Act, any justice may issue a search warrant.

VIII. And for the more easy discovery of the keeping and carriage of gunpowder contrary to the provisions hereinbefore contained, be it further enacted, that it shall be lawful for any justice of the peace within and for the territory of New South Wales, or any district thereof, on demand made, and a reasonable cause assigned, upon oath, by any person or persons, to issue a warrant or warrants under his hand and seal, for searching, in the day-time, any house, storehouse, warehouse, shop, cellar, yard, wharf, or other building or place in which gunpowder is suspected to be kept, contrary to this Act; and that all gunpowder found upon search to be kept contrary to this Act, and also the gunpowder barrels, shall be immediately seized by the searcher or searchers, who shall, with all convenient speed after the seizure, remove the same to such proper places as they, in conformity with the restrictions of this Act, shall think fit; and may detain such gunpowder, and the barrels containing the same, till it shall be adjudged, on a hearing before any two or more such justices, whether the same shall be forfeited; and such searcher or searchers, seizer or seizers, shall not be liable to any suit for such detainer, or for any loss or damage which may happen to the said gunpowder or barrels, other than by wilful acts or neglects of them, or the persons with whom they shall trust the keeping thereof.

Penalties recoverable before two justices by distress.

IX. And be it further enacted by the authority aforesaid, that all penalties enacted by this Act shall be recoverable before two or more justices of the peace within and for the territory of New South Wales, or any district thereof, on proof of the offence on the oath or oaths of one or more credible witness or witnesses, or on confession of the offender, and one moiety of each penalty shall belong to his Majesty, his heirs and successors, and the other moiety thereof to the informer or informers prosecuting for the same; and where the penalty shall be pecuniary, in case of nonpayment it shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the overplus of the money raised, after deducting the penalty and the expenses of the distress

Half the penalty to be given to the informer.

treas and sale, shall be rendered to the owner ; and for want of sufficient distress, the offender shall be sent by such justices to the house of correction, there to be kept to hard labour for any term not exceeding three months, nor less than one month, as such justices shall think most proper.

X. Provided always, and be it further enacted by the authority aforesaid, that this Act shall not extend to the keeping of gunpowder at any storehouse or magazine belonging to his Majesty, his heirs or successors, or to the carriage of gunpowder to or from the King's magazines, under a special and express order of the Governor or acting Governor for the time being.

This Act not to extend to gunpowder belonging to the King.

Ralph Darling.

Passed the Council, this 3d day of July 1828.

T. de la Condamine,
Clerk of Council.

ANNO NONO GEORGII IV. REGIS.

(No. 8.)

By His Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council.

AN ACT for enabling Persons holding certain Public Offices in New South Wales to take Apprentices to serve under them and their Successors in Office, and for regulating all matters relating to Masters and Apprentices.—17th July 1828.

WHEREAS it is expedient that the civil engineer, the master attendant and the master shipwright of the colony of New South Wales for the time being, or other officer in the service of Government, having the special direction and control of persons of any particular description of trade or calling, should be empowered respectively to take and receive such and so many apprentices as they may require to serve under them and their successors in office in the employment of the Government of the said colony, in such arts, trades or callings as they may deem expedient ; Be it therefore enacted by his Excellency the Governor of New South Wales, by and with the advice of the Legislative Council, that from after the passing of this Act it shall be lawful for the civil engineer, the master attendant and the master shipwright of the said colony for the time being respectively, or any other officer in the service of Government, having the special direction and control of persons of any particular description of trade or calling within the said colony, to take and receive such and so many apprentices as they may require to serve under them and their respective successors in office, in the employment of the Government of the said colony, for a term not less than three nor more than seven years, in such arts or trades as he or they may deem expedient.

Preamble.

Officers in the service of Government authorized to take apprentices.

II. And be it further enacted, that before any such apprentice shall be bound as aforesaid, an indenture of apprenticeship shall be executed between the party so to be bound apprentice as aforesaid, and the officer to whom he is to be so bound, which said indenture shall be duly executed by the parent or guardian of the said apprentice, and by the said apprentice, of the one part, and by the civil engineer for the time being, or other officer as aforesaid, on the other part ; and that in every such indenture shall be specified the particular art or trade in which the said apprentice is to be initiated and employed ; and that every such indenture so entered into shall be binding on the said apprentice, on the one part, and on the civil engineer, or other such officer of Government for the time being, and his or their successors in office, on the other part, respectively ; and every such indenture shall be deemed and taken to be complete and valid, although the parchment or paper on which the same is executed may not be indented.

An indenture of apprenticeship shall be executed.

Indenture valid, although the parchment or paper is not indented.

III. And be it further enacted, that in case the party so to be bound apprentice as aforesaid shall have no parent or guardian living then, and in such case it shall

Magistrates in certain cases may execute the indenture.

shall be lawful for two magistrates, residing in the district with the said party so to be bound apprentice, or the two nearest magistrates, to execute the indenture aforesaid, in the room or stead of the parent or guardian as aforesaid; and every such indenture so executed shall be deemed and taken to be a complete and valid indenture of apprenticeship.

Declaring that the laws of England relating to master and apprentice extend to this colony.

IV. And to prevent doubts how far the laws of England relating to master and apprentice extend to cases of apprentices in this colony, be it further enacted, that all masters of apprentices in this colony, whether in the service of Government or not, shall have such and the like powers over every such apprentice as the master of every apprentice has by the laws of England, and shall be amenable and responsible for the due performance of the contract entered into between or on the part of such apprentice and themselves respectively, in such and the like manner as the master of any apprentice would be by the laws of England.

Cases of difference between master and apprentice to be determined by two justices.

V. And be it further enacted, that in case of any difference arising between any master and any such apprentice as aforesaid, the party feeling aggrieved shall make his complaint before two justices of the peace, who shall have power and authority, in their discretion, to make such order and direction as the equity of the case shall require: provided always, that no apprentice shall be finally discharged from his indentures, as aforesaid unless by order in writing under the hands and seals of such justices.

Ralph Darling.

Passed the Council, this 17th day of July 1828.

T. de la Condamine,
Clerk of Council.

ANNO NONO GEORGII IV. REGIS.

(No. 9.)

By His Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice of the Legislative Council.

AN ACT for the better Regulation of Servants, Labourers, and Work People.— 17th July 1828.

Preamble.

Servants neglecting or refusing to work, or absenting themselves from work, may be brought before a magistrate, and on conviction shall be committed to the common gaol or house of correction for any time not exceeding six months, or three months respectively.

WHEREAS many of the Acts of the British Parliament, relating to servants and labourers, are not applicable to the colony of New South Wales, and great uncertainties consequently prevail in the administration of justice between masters and servants in the said colony; Be it therefore enacted, by his Excellency the Governor of New South Wales, with the advice of the Legislative Council, that if any artificer, manufacturer, journeyman, workman, labourer or servant, employed in any manner howsoever, either as a menial or house servant, or on any farm or estate, who shall have been hired or engaged by or with any master or mistress, or employer or employers, for any time whatsoever, shall, during any part of the time for which he or she shall have been so hired or engaged, absent himself or herself from the service of the person or persons to whom he or she shall be so engaged as aforesaid, during the customary time of serving or working at the trade, occupation or employment, for which he or she shall have been so hired or engaged, or shall refuse or neglect to work in the trade, calling or employment, for which he or she shall have been so hired or engaged, in a diligent and careful manner, after having been thereunto required by his or her master, mistress, employer or employers; or shall return his or her work, or desert or quit the same, before it shall have been completely finished, without the consent of the person or persons by whom he or she shall have been so employed, it shall be lawful for any one or more justice or justices of the peace to cause every person who shall be complained of as so offending to be brought before him or them, or before some other justice or justices of the peace, and the justice or justices before whom any person complained of as aforesaid shall be so brought shall hear and determine the

the matter of every such complaint; and if no reasonable and sufficient cause be shown to the contrary, such justice or justices shall commit every person convicted of so offending as aforesaid to the common gaol, there to remain, without bail or mainprize, for any time not exceeding six calendar months, or, at the discretion of such justice or justices, to some house of correction, there to remain and to be kept to hard labour for any time not exceeding three calendar months; and every person convicted of so offending as aforesaid shall moreover forfeit all or such part of his or her wages or pay, which may or shall be due or owing to him or her from and by the party complaining, at the time of such conviction, as in the judgment and discretion of such justice or justices shall appear just and reasonable.

Persons so convicted shall forfeit all wages and pay.

II. And be it further enacted, that if any person shall knowingly receive, employ or entertain any such artificer, labourer or servant, employed in any manner howsoever, either as a menial or house servant, or on any farm or estate, already employed or retained by any other person or persons, during the time for which he or she shall be so employed or retained, without leave of such other person or persons as last aforesaid, every such offender, being thereof lawfully convicted before any one or more justices of the peace, shall for every such offence forfeit and pay any sum not less than 5*l.*, nor more than 20*l.*; one moiety thereof to be paid to the person aggrieved, and the other moiety to be paid to the treasurers of the Benevolent Society, and applied in the maintenance of the poor of the colony, and accounted for from time to time in such manner as the Governor for the time being shall appoint and direct.

Persons employing servants previously retained to be fined not more than 20*l.* nor less than 5*l.*

Half the above fine to be paid to the person aggrieved, and the other half to the Benevolent Society.

III. And be it further enacted, that if any such artificer, labourer or servant, employed in any manner howsoever, either as a menial or house servant, or on any farm or estate, shall wilfully or negligently spoil or destroy any goods, wares, work or materials for work, committed to his or her care or charge, or wherewith he or she shall be entrusted by his or her master or mistress, or employer, or shall negligently injure or lose any property entrusted to his care, every such offender, and his or her accomplice or accomplices, being thereof lawfully convicted before any one or more justice or justices of the peace, shall forfeit and pay double the value of such goods, wares, work or materials for work, so spoiled or destroyed, or other property injured or lost as aforesaid, to the owner or owners thereof respectively, and shall be committed to gaol by such justice or justices until the same be paid, or in failure of payment, for any period not less than one month, nor more than six months, at the discretion of such justice or justices.

Servants spoiling, destroying or losing any property entrusted to them, to pay double the value of such property, or be committed to gaol for any time not more than six nor less than one month.

IV. And be it further enacted, that in case any master or mistress, or other employer, shall ill-use any such artificer, labourer or servant employed in any manner howsoever, either as a menial or house servant, or on any farm or estate, it shall and may be lawful for any one or more justice or justices of the peace, upon complaint being made to him or them thereof on oath, to issue a summons to compel the appearance before him or them, or before any other justice or justices of the peace, of such master or mistress, or other employer; and upon his or her appearance, or upon proof of such master, mistress or other employer having been duly summoned, then upon the day named in such summons for the appearance of such master, mistress or employer, and whether he or she shall be present or not, to proceed to hear the proof of such ill-usage; and such justice or justices may, upon due proof thereof, order and award such amends to be made to the party aggrieved, as he or they shall think fair and reasonable; and such award shall be carried into effect by distress and sale of the goods and effects of such master, mistress or employer as aforesaid; provided, that in no case such amends shall exceed the amount of six months' wages of such artificer, labourer or servant employed in any manner howsoever, either as a menial or house servant, or on any farm or estate; and such justice or justices may also order and direct that the term of service or employment for which such artificer, labourer or servant employed in any manner howsoever, either as a menial or house servant, or on any farm or estate, shall have contracted to serve, shall from thenceforth cease, determine and be at an end.

Upon proof of ill usage from any employer, magistrates are authorized to order amends to the servant to the extent of six months' wages, and to cancel the agreement between them.

V. And be it further enacted, that the justice or justices before whom any person or persons shall be convicted of any offence against this Act, shall cause all such convictions, and the warrants or orders for commitments thereupon, to be respectively drawn up in the form or to the effect set forth in the schedules to this Act.

Warrants or orders to be drawn in the form set forth in schedule.

Persons convicted may appeal to the next court of quarter sessions.

VI. And be it further enacted, that if any person convicted of any offence or offences punishable by this Act, before one or two justice or justices of the peace, shall think himself or herself aggrieved by the judgment of such justice or justices, such person shall have liberty to appeal from any such conviction to the next court of quarter sessions of the peace which shall be held for the district or place wherein or nearest to which such offence shall have been committed; and that the execution of every judgment so appealed from shall be suspended in case the person so convicted shall, with two sufficient sureties, immediately, before such justice or justices, enter into a bond to his Majesty, his heirs and successors, in the penal sum of double the amount of the penalty so incurred or forfeited, or in case such conviction should contain a judgment of imprisonment, such appellant shall immediately enter into a recognizance before such justice or justices, himself or herself in the penalty of 20*l.*, with two sufficient sureties in the penalty of 10*l.* each, which bond or recognizance respectively such justice or justices is and are hereby authorized and required to take; and such bond or recognizance shall be conditioned to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of the said court of quarter sessions, and to pay such costs as the said court shall award on such occasion; and the justices in the said court of quarter sessions are hereby authorized and required to hear and determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable, to be paid by either party, and such decision shall be final between the said parties, to all intents and purposes; and if, upon hearing the said appeal, the judgment of the justice or justices before whom the appellant shall have been convicted shall be affirmed, such appellant shall forthwith pay the forfeiture or penalty, if any, mentioned in such conviction, and the costs awarded to be paid by such appellant; and in default of payment thereof, or in case such conviction shall contain a judgment of imprisonment, such appellant shall immediately be committed by the said court to the common gaol or house of correction, according to such conviction, and for the space of time therein mentioned, without bail or mainprize; and also until the payment of such costs as shall be awarded by the said court to be paid by such appellant.

Such appeal shall be final.

SCHEDULE to which this Act refers.

Form of Conviction and Commitment.

to wit.—Be it remembered, that on the day of in the
year of the reign of, &c. and in the year of our Lord 182 , *A. B.*
was convicted before me [*or us*] [*naming the justices*], one [*or two*] of His Majesty's
justices of the peace, duly authorized in that behalf, of having [*state the offence*],
contrary to an Act of the Governor and Council, passed in the ninth year of the
reign of his Majesty King George the Fourth, intituled, "An Act for the better
Regulation of Servants, Labourers and Work People;" and I, [*or We,*] the said
justice [*or justices*], do hereby order and adjudge the said *A. B.* for the said offence
to be committed to and confined in the [*place where to be confined*], for the space
of or to be committed to the house of correction at there to
be kept to hard labour for the space of

Given under my [*or our*] hands, the day and year above-written.

Form of Conviction in a pecuniary Penalty.

to wit.—Be it remembered, that on the day of in the
year of the reign of, &c. and in the year of our Lord 182 , *A. B.*
was convicted before me [*or us*] [*naming the justices*], one [*or two*] of His Majesty's
justices of the peace, duly authorized in that behalf, of having [*state the offence*],
contrary to an Act of the Governor and Council, passed in the ninth year of the
reign of his Majesty King George the Fourth, intituled, "An Act for the better
Regulation of Servants, Labourers and Work People;" and I, [*or We,*] the said
justice [*or justices*], do hereby adjudge and determine the said *A. B.* for the said
offence to forfeit and pay the sum of to be distributed as the said Act
directs.

Given under my [*or our*] hands, the day and year above-written.

Ralph Darling.

Passed the Council, this 17th day of July 1828,

T. de la Condamine, Clerk of Council.

ANNO NONO GEORGII IV. REGIS.

(No. 10.)

By His Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council.

AN ACT for the more effectually preventing Persons from purchasing or receiving Clothing, Bedding or Rations from Convicts.—17th July 1828.

WHEREAS divers complaints have of late been made of convicts disposing of their clothing, bedding and rations to evil-disposed persons : And whereas it is highly expedient to put a stop to such nefarious practices ; Be it enacted, by his Excellency the Governor of New South Wales and its Dependencies, by and with the advice of the Legislative Council, that from and after the passing of this Act, all and every person or persons who shall purchase, exchange, barter, take, have or receive from any convict or convicts, now or hereafter in the said colony for any term of transportation unexpired, whether such convict or convicts shall be in the immediate service of Government, or in that of any private individual or individuals, any article or articles of slop clothing, or wearing apparel, or bedding, or any article of provision whatever, without a special permission, in writing, from the master or mistress of such convict or convicts for such purpose, such person or persons shall be deemed guilty of a misdemeanor, and shall upon conviction thereof before one or more justice or justices of the peace, on the oath of one or more witnesses, be liable, at the discretion of such justice or justices, to be fined in the penalty of 10*l.*, or to be imprisoned in the common gaol for any time not exceeding the term of three calendar months, for the first offence ; and for every other offence, on conviction thereof as aforesaid, to be imprisoned in the common gaol and kept to hard labour, for any time not exceeding six calendar months, and if a male, to be once, twice or thrice publicly whipped (if the said justice or justices shall so think fit), in addition to such punishment.

Preamble.

Persons purchasing or receiving slops or rations from a convict, deemed guilty of a misdemeanor.

Liable to a penalty of 10*l.* or imprisonment for three months for first offence, and for every other offence six months, and whipped.

II. And be it further enacted, that no conviction shall be had under this Act, in any case happening three months before the time of laying the charge.

III. And be it further enacted, that all fines, penalties and forfeitures imposed by this Act, shall be recovered before any one or more justices of the peace, in a summary manner, and shall, if not paid within six days after conviction, be levied by distress and sale of the offender's goods and chattels ; and the money arising by all such fines, penalties and forfeitures respectively, when recovered, shall be, as to one moiety thereof, to and for the use of our sovereign lord the King, his heirs and successors, and be carried to, and form part of, the colonial fund of the said colony, and be applied to the public uses in support of the government thereof ; and as to the other moiety of such fines, penalties and forfeitures, to and for the use of such person or persons as shall inform or sue for the same.

Penalties how to be applied.

Ralph Darling.

Passed the Council, this 17th day of July 1828.

T. de la Condamine, Clerk of Council.

ANNO NONO GEORGII IV. REGIS.

(No. 11.)

By His Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council.

AN ACT to authorize the Erection of Pounds, and for Regulating the Impounding of Cattle.—24th July 1828.

WHEREAS by an Act of the Governor in Council, bearing date the first day of November 1825, intituled, " An Act to continue, until further provision shall be made,

Preamble.

made, certain Duties, Tolls, Rates, Fees and other Sums of Money, imposed by the Governors of New South Wales, and for other Purposes;" it is enacted, that all tolls, rates, fares, fees, and other sums of money, collected or become due under and by virtue of any proclamation or order of any Governor or person administering the government of the colony of New South Wales, before the 12th day of August 1824, should be as valid and lawful as if the same had been imposed by the Legislature; and that it should be lawful thereafter, and until further provision shall be made, to demand, collect, levy and receive such and the like tolls, rates, fares, fees, and other sums of money as aforesaid, in the same manner as theretofore used: And whereas such regulations are not adapted to the advanced state of property in this colony; Be it enacted by his Excellency the Governor of New South Wales, by and with the advice of the Legislative Council, that from and after the passing of this Act so much of the said recited Act of the Governor and Council as relates to the collecting and levying of any sum of money in respect of the detaining and impounding of cattle and other animals, and so far as the said recited Act relates to the colony of New South Wales and its dependencies, be and the same is hereby repealed.

So much of Act No. 20, dated 12th August 1824, as relates to impounding of cattle, repealed.

Pounds how to be erected and upheld.

II. And be it further enacted, that it shall and may be lawful for the Governor for the time being to erect and uphold, and to authorize and empower any private person or persons to erect and uphold, at convenient places, a public pound or public pounds, for the purpose of impounding and receiving any horses, bulls, cows, oxen, sheep, goats, pigs or other cattle trespassing upon any land, whether the same be public or private property; and for the detaining and keeping of the same until the original sum or amount of the damage for which such horses, cattle or other quadrupeds as aforesaid shall have been impounded, as well as all the charges allowed by this Act for keeping the same in pound, and supporting the same while impounded, shall have been paid and satisfied, or the horses, cattle or other quadrupeds as aforesaid so impounded shall have been replevied by due course of law.

Damage when disputed to be assessed.

III. And be it enacted, that if the sum or amount which shall be claimed as the damage for which any horses, cattle or other quadrupeds as aforesaid shall have been impounded, be disputed by or on the part of the owner or owners of such horses, cattle or other quadrupeds as aforesaid, such damage shall be assessed by one or more justice or justices of the peace who shall reside nearest to the spot wherein the trespass shall have been committed, according to such evidence as shall be adduced by the party; and the order of such justice or justices shall be a sufficient warrant to the poundkeeper for demanding and receiving the sum of money which shall be specified in such order, as the amount of the damage to be received under and by virtue of this Act: provided always, that no claim for extraordinary damage shall be allowed for any trespass which shall be committed on any ground placed under artificial cultivation, unless the same shall, at the time of such trespass, be inclosed by a wall, fence or hedge, equivalent at the least to a three-railed fence of the height of four feet.

No extraordinary damage to be allowed for a trespass on cultivated land not inclosed.

Poundkeeper to be accountable for amount of damage claimed or assessed.

IV. And be it further enacted, that every poundkeeper shall receive into his custody all such horses, cattle or other quadrupeds as aforesaid, as shall be delivered or sent to him to be impounded; and such poundkeeper shall be accountable to the person or persons who shall so deliver or send such horses, cattle or other quadrupeds as aforesaid to be impounded, for the amount claimed by him or them as damage, or if such amount be disputed, for the amount which shall be assessed for such damage by one or more justice or justices of the peace, as directed by this Act; and such poundkeeper shall pay over to the person or persons claiming the same the full amount of such damage or assessed damage, without any deduction whatever, immediately after he shall have released out of the pound the horses, cattle or other quadrupeds as aforesaid, for which such claim for damage shall have been made, or as soon thereafter as the same shall be demanded of him; and if any poundkeeper shall refuse to receive into his custody any such horses, cattle or other quadrupeds as aforesaid, as shall be delivered or sent to him to be impounded, or shall refuse to pay over the full amount of the damage or assessed damage to the person or persons entitled thereto, after such poundkeeper shall have released out of the pound such horses, cattle or other quadrupeds as aforesaid, he shall for every such offence, upon being convicted thereof before one or more justice or justices of the peace, forfeit and pay a sum of not less than 1*l*., nor more than 5*l*., at the discretion of such justice or justices.

Amount of damage to be paid to the injured party.

v. And

V. And be it further enacted by the authority aforesaid, that upon complaint being made by any such poundkeeper or other person, of any poundbreach or rescue of any horses or cattle, or other quadrupeds as aforesaid, the same shall and may be inquired into and determined in a summary way by any such justice or justices of the peace as aforesaid; and upon the same being duly proved, it shall be lawful for such justice or justices to award treble damages against the offender or offenders in any such poundbreach or rescue, or against the owner or owners of the said horses, cattle or other quadrupeds as aforesaid, and the same to enforce by distress and sale of the offenders' or owners' goods, or in case no distress be found, the imprisonment of his or their person or persons respectively, until such treble damages be paid.

Persons guilty of poundbreach or rescue, to be liable to treble damages.

VI. And be it enacted, that each poundkeeper shall keep a book, in which he shall enter the description of all horses, cattle or other quadrupeds as aforesaid, which shall be put into his pound, together with the date of the day on which, and the name or names of the person or persons by whom, they shall have been sent to pound; the amount of the damage claimed for them; the name or names of the owner or owners, or person or persons pretending to be such; the day of release, and the sum paid; and if any poundkeeper shall fail to enter all these particulars regularly on each day as they occur, or shall make a false entry in such book, he shall for every such offence, upon being convicted thereof before one or more justice or justices of the peace, forfeit and pay the sum of 1 *l*.

Poundkeeper to keep a book of entry.

To forfeit the sum of 1 *l*. in case of a false entry.

VII. And be it enacted, that every poundkeeper or other person authorized by this Act to impound any horses, cattle or other quadrupeds as aforesaid, shall be allowed the following sums:—that is to say, for each and every horse, mare, gelding, colt, filly or foal, the sum of 1 *s*.; for each and every bull, ox, cow, steer, heifer or calf, the sum of 6 *d*.; for each and every sheep or lamb, the sum of 2 *d*.; and for each and every goat, kid, boar, sow or other pig, the sum of 1 *s*. by the day, for every day, or part of a day, during which such horses, cattle or other quadrupeds as aforesaid shall be so impounded: provided always, that at each and every pound a board having a scale of the penalties and forfeitures leviable under this Act, painted in legible characters, shall be erected and maintained by the poundkeeper, upon pain of forfeiting the sum of 1 *l*.

Rates of poundage-fees.

VIII. And be it further enacted, that in case the owner, keeper or person in charge of any such horses, cattle or other quadrupeds as aforesaid, so impounded as aforesaid, be known to such poundkeeper, and shall reside within the distance of not more than ten miles from such poundkeeper, then such poundkeeper shall, with due diligence, give notice to such owner, keeper or person in charge, of the impounding of his or her horses, cattle or other quadrupeds as aforesaid; and in case such owner, keeper or person in charge of any such horses, cattle or other quadrupeds as aforesaid, so impounded as aforesaid, shall not be known, or shall not reside within the distance aforesaid, then such poundkeeper shall forthwith deliver or cause to be delivered to the nearest resident justice of the peace, a full and particular description of the nature, colour, brands and other distinguishing marks of all such horses, cattle or other quadrupeds as aforesaid, so impounded as aforesaid; and such justice of the peace is hereby authorized, if he shall deem expedient, to cause notice of such impounding to be conveyed to the owner, keeper or person in charge of such horses, cattle or other quadrupeds as aforesaid, so impounded; and such justice shall and is hereby required in all cases to transmit a full and particular description of such impounded horses, cattle or other quadrupeds as aforesaid, with as little delay as possible, to the printer of the Sydney Gazette, or other paper used by Government for publishing its orders; and such printer is hereby directed and required to publish and advertise every such notice three several times in some conspicuous part of such gazette, or other paper used by Government, as soon as may be after the receipt of the said notice; and in all cases the expenses attending the giving and publishing of any such notice as aforesaid shall be a charge upon all such impounded horses, cattle or other quadrupeds as aforesaid, and shall be paid by the owner, keeper or person in charge thereof; and in case impounded horses, cattle or other quadrupeds as aforesaid shall not be claimed and redeemed within seven days after notice shall have been given to the owner, keeper or person in charge thereof, by such poundkeeper as before directed, or within twenty-one days after a notice shall have been published in the Sydney Gazette, or other paper used by Government as aforesaid, then and in every such

Poundkeeper to apprise the owners of cattle that are impounded, if within ten miles, otherwise to give a full description of such cattle to the nearest justice of the peace.

Cattle impounded to be advertised in the Sydney Gazette.

Expences to be paid by the owner of the cattle.

Cattle that are not claimed to be sold.

case the said poundkeeper shall, under and subject to the orders and directions of such justice of the peace, cause such horses, cattle or other quadrupeds as aforesaid to be sold by public auction; the day on which the sale of the said horses, cattle or other quadrupeds as aforesaid is to take place, having been, and the same is hereby directed to be, specified in the said notice or advertisement above directed to be made; and after deducting the sum or sums claimed as damage for such trespass or trespasses, together with the charges of food and detention or impounding, and of advertising and selling such horses, cattle or other quadrupeds as aforesaid, in manner hereinbefore directed, such poundkeeper shall within ten days afterwards pay over to the owner or owners of such horses, cattle or other quadrupeds as aforesaid, if known, or if unknown, into the hands of any one or more of the justices of the district where such pound or pounds shall be situated, all the surplus monies arising from such sale or sales, according to an account thereof which such poundkeeper is hereby required to deliver to such owner or owners, or to such justice or justices, as the case may be, and to the truth of which such poundkeeper is to make oath, if required, and which oath every such justice is hereby authorized, empowered and required to administer; and the sum or sums of money which shall be paid into the hands of the justice or justices as aforesaid, shall by them, within ten days, be paid over to the colonial treasurer in trust for the owner or owners, his, her or their representatives; and in case no such owner or owners, or his, her or their representatives, shall within twelve months appear and duly claim such surplus money, then the same shall be paid over to the treasurer or acting treasurer of the Benevolent Society, for the maintenance of the poor of the colony, and accounted for from time to time in such manner as the Governor for the time being shall appoint and direct.

Proceeds of sale to be paid to the colonial treasurer, in trust for the owners, and after twelve months to be applied to the use of the poor.

When cattle may be detained by private individuals on their own land.

Persons so detaining cattle liable to the same rules as pound-keepers.

Act applies to unlocated lands within prescribed boundaries.

Cattle at large in the streets of any town to be impounded, and subject to certain penalties.

IX. And be it further enacted, that in case any such horses, cattle or other quadrupeds as aforesaid, shall trespass upon any lands being private property, and there shall be no pound as hereinbefore directed within ten miles of such lands, it shall be lawful for the proprietor or person in charge of such lands to impound and detain all such horses, cattle or other quadrupeds as aforesaid, so trespassing upon such parts of such lands, as such proprietor or person in charge thereof shall think fit; and the said horses, cattle or other quadrupeds as aforesaid, so trespassing, shall be liable to such and the same rates and damages, and the said proprietor or person in charge of such lands, so impounding the same, shall perform and be subject to such and the like acts and obligations, as to the giving notice of such impounding, and the feeding and maintaining of such horses, cattle or other quadrupeds as aforesaid, and liable to such and the like fines and penalties in respect thereof, as the keeper of any public pound established in the manner directed by this Act.

X. And be it enacted, that the provisions of this Act shall extend to all the lands of this colony, being within the limits which from time to time shall be prescribed by the Governor or acting Governor for the location of settlers and others obtaining lands from the Crown, whether the same shall be in the actual possession and use of the Crown, or let or located to any private person, or shall remain still unlocated and in a state of nature.

XI. And whereas it is expedient that an end should be put to the practice of allowing horses, cows, oxen, sheep, goats, pigs and other cattle to be at large in the public streets of the towns and villages in the said colony, to the public annoyance, and to the personal danger, inconvenience and injury of private individuals; Be it further enacted, by the authority and with the advice aforesaid, that if any person or persons shall, after the passing of this Act, turn out into the public streets of Sydney, or of any other town or village in New South Wales, any horses, cows, oxen, sheep, goats, pigs or other cattle, or in case any such horses, oxen, sheep, goats, pigs or other cattle shall be found at large in any such town or village, without being under the immediate guidance, protection and control of some one or more competent person or persons, the same shall be liable to be seized and taken to the nearest public pound, by any person or persons whatsoever; and the person or persons so seizing and impounding the same shall be entitled to demand and receive for every horse, mare, gelding, colt, foal, filly, bull, ox, cow, heifer, calf, goat, kid, hog or pig, so seized or impounded, the sum of 5s. sterling; and for every sheep or lamb so seized or impounded, the sum of 2s. sterling; and the keeper of every public pound shall, in addition to the sum or sums which he is authorized

authorized by this Act to claim as poundkeeper, demand from the owner or owners of such horses, cattle or other quadrupeds as aforesaid, such sum or sums of money as aforesaid, and shall retain such horses, cattle or other quadrupeds as aforesaid until the same shall have been paid; and all constables and other peace officers are hereby specially ordered and required to seize all horses, cattle or other quadrupeds as aforesaid being so at large as aforesaid; and in case the owner or owners of any such horses, cattle or other quadrupeds as aforesaid so found at large, or any other person or persons, shall rescue or attempt to rescue from any constable or constables, or other person or persons, any such horses, cattle or other quadrupeds as aforesaid, which shall have been so seized, or shall be in the act of driving to pound under the provisions of this Act, such owner or owners, or other person or persons, shall for every horse or other quadruped as aforesaid, so rescued or attempted to be rescued, pay a fine of 10 s. sterling, which is to be imposed and levied in a summary manner by sale and distress, by any one or more justice or justices; or such owner or owners, or other person or persons, shall be liable, at the discretion of the justice or justices before whom he, she or they shall be convicted of such rescue or attempted rescue, to be imprisoned in the house of correction for one calendar month.

Persons rescuing or attempting to rescue such cattle, to be fined 10s., or imprisoned for one month.

XII. And whereas it will tend in a great degree to prevent horses and cattle from trespassing, if the same are placed under the charge of herdsmen, who shall be responsible for any trespasses committed by such horses and cattle under their charge; Be it further enacted, that every person who shall be possessed, either as the proprietor, or agent or attorney for the proprietor, of any horses or cattle grazing or depasturing on lands uninclosed, and exceeding the number of ten, shall provide at least one herdsman or stockman for the safe keeping and attending of such horses or cattle, and preventing the same from trespassing upon the lands of any other person or persons; and every such proprietor, agent or attorney as aforesaid, who shall fail to provide such herdsman or stockman, shall be considered as offending against this Act, and shall be liable for every such offence to a fine of 5 s. for each and every such horses or cattle which shall be found trespassing upon such lands, and unprovided with a herdsman or stockman, as hereby directed; and in case any herdsman or stockman, having charge of any horses or cattle, shall wilfully or negligently suffer any such horses or cattle to commit any trespass upon the lands of any person or persons, whether the same be inclosed or uninclosed, he shall, if a free man, incur and be liable to a fine not exceeding 1 s. per head, for each and every such horses or cattle; or if a convict prisoner, to such moderate corporal punishment as any justice of the peace shall award; and all such fines as last aforesaid shall be recovered in a summary manner before any justice or justices of the peace within the district where such fines shall have been incurred, and shall be paid over to the person or persons upon whose lands such trespass as last aforesaid shall be committed.

Herds exceeding ten in number to be attended by a stockman.

XIII. And for the better and more easy recovery of the several penalties, forfeitures and sums of money directed to be paid under this Act, and the powers herein contained; Be it further enacted, that it shall be lawful for any one or more justice or justices of the peace, within their respective counties or districts, to hear and determine in a summary way all offences committed against the true intent and meaning of this Act, and for that purpose to summon before him or them, within their respective jurisdictions, any party or parties accused of being an offender or offenders against the true intent and meaning of this Act; and in case the party accused shall not appear on such summons, or offer some reasonable excuse for his default, then and in every such case any such justice or justices is or are hereby authorized and required to proceed to make inquiry touching the matters complained of, and to examine any witness who shall be offered on either side, on oath, and which oath every such justice is hereby authorized, empowered and required to administer; and after hearing the parties who shall appear, and the witnesses who shall be offered on either side, such justice or justices shall convict or acquit the party or parties accused; and if the penalty or money forfeited or directed to be paid in any such conviction shall not be paid within the space of twenty-four hours after any such conviction, every such justice shall thereupon issue a warrant under his hand and seal, directed to any peace officer or officers within their respective jurisdictions, and thereby require him or them to make distress of the goods or chattels of the offender or offenders, within such their respective jurisdictions, to satisfy such penalty or money forfeited or directed to be paid, and the costs

Penalties and forfeitures to be recovered in a summary way.

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costs of the prosecution and distress ; and if, within five days from the distress being taken, the penalty or money forfeited or required to be paid, and costs, shall not be paid, the goods seized shall be appraised and sold, rendering the overplus, if any, after deducting the penalty or sum of money required to be paid, and the costs and charges of the prosecution, distress and sale, to the owner or owners thereof, which charges shall be ascertained by the justice or justices before whom any such offender or offenders shall have been so convicted ; and for want of such distress, then every such justice, within whose respective jurisdiction any such offender or offenders shall reside or be, shall, on the application of any prosecutor or prosecutors, and proof, on oath, made of the conviction and nonpayment of the penalty or sum of money directed to be paid, and charges, by warrant under his hand and seal commit every such offender or offenders to the common gaol or house of correction of the county, town or place where such offender or offenders shall be found, there to remain for any time not exceeding one calendar month from the time of such commitment, unless after such commitment payment shall be made of the said penalty or sum of money, and costs and charges, before the expiration of such calendar month.

Right of Appeal.

XIV. And be it enacted, that in all cases where the sum adjudged to be paid on any summary conviction under this Act shall exceed 5*l.*, or the conviction shall have taken place before one justice only, any person who shall think himself aggrieved by such conviction may appeal to the next court of general or quarter sessions to be holden for the district within which such conviction shall be made, and the execution of such conviction shall in such case be suspended, the person or persons so convicted giving immediate notice of such appeal and of the matters thereof, and finding sufficient security, to the satisfaction of the justices in such general or quarter sessions assembled, for prosecuting such appeal with effect and abiding the determination of the court therein ; and such justices in such general or quarter sessions are hereby authorized and required to hear and determine the matter of such appeal, and may either confirm or quash the said conviction, and award costs to either party, as to them the said justices shall seem just and reasonable ; such decision to be final and conclusive ; and if, upon the hearing of any such appeal, the judgment of the justice or justices before whom any appellant shall have been convicted shall be confirmed, such appellant shall forthwith pay the penalty and costs awarded to be paid by such appellant, or in default thereof shall be immediately committed by the said court to the common gaol or house of correction, there to remain for any time not exceeding six calendar months, unless such penalty and costs shall be sooner paid.

Conviction under this Act may be pleaded in bar of any action.

XV. And be it enacted, that a conviction under this Act shall and may be pleaded in bar of any action, suit or information that shall be commenced, instituted or prosecuted for such and the same offence in any court whatsoever.

Penalties to be applied for the maintenance of the poor.

XVI. And be it further enacted, that all fines which shall be levied under this Act, and for the appropriation of which no special directions are hereinbefore contained, shall be paid to the treasurer of the Benevolent Society, for the maintenance of the poor of the colony, and accounted for from time to time in such manner as the Governor for the time being shall appoint and direct.

Ralph Darling.

Passed the Council, this 24th day of July 1828.

T. De la Condamine, Clerk of Council.

ANNO NONO GEORGII IV. REGIS.

(No. 12.)

By His Excellency Lieutenaht-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council.

AN ACT to regulate the Dividing Fences of adjoining Lands.—August 2, 1828.

Preamble.

WHEREAS it is expedient to make provision for the erecting and upholding of fences dividing lands adjoining and abutting on other lands ; Be it enacted, by his

his Excellency the Governor of New South Wales, by and with the advice of the Legislative Council, that from and after the passing of this Act, it shall and may be lawful for the owner or owners of lands, adjoining or abutting upon any other lands, and having no sufficient dividing fence, to require, by writing, under his, her or their hand or hands, the owner or owners, person or persons, legally possessed of and holding any adjoining lands (excepting such lands as shall be held of the Crown by temporary occupation only), his, her or their agents respectively, to assist in equal proportions to make or repair any or all the dividing fences between such lands respectively; and in case the owner or owners of such adjoining lands, or person or persons legally possessed of and holding the same, or his, her or their agent, shall refuse or shall neglect to assist, or fail to use due diligence in the making or repairing such dividing fences, for the space of six months after the receiving of such requisition or notice (or shall not give to the owner of such adjoining land, from whom he shall have received such requisition or notice, a sufficient and reasonable excuse for not having assisted in carrying such fencing or inclosure into effect), then and in either such case it shall and may be lawful for the owner or owners of such adjoining lands, who shall have given such requisition or notice as aforesaid, and who shall have completed his, her or their share of such dividing fence, to engage and contract with any person or persons to complete and execute or repair such dividing fence; and it shall be lawful for such person or persons so giving notice as aforesaid, and his, her or their servants, or the person or persons contracting to execute, complete or repair such fencing, and his, her or their servants respectively, to cut upon the farm or lands of the person or persons so neglecting or refusing as aforesaid all such indigenous timber or other indigenous trees (excepting such as shall have been planted or preserved for ornament) and materials as shall be necessary for executing and completing or repairing such fencing and inclosing as aforesaid, and such owner or owners, contractor or contractors, his, her or their servants respectively, shall not be answerable or chargeable for any act of trespass which he, she or they respectively may have committed on such adjoining lands for the purpose of cutting and carrying away any such indigenous timber as aforesaid; and in case a sufficient quantity of the materials necessary for the executing and completing or repairing of such fencing cannot be obtained upon such adjoining lands, it shall be lawful for the person or persons authorized to make and repair such dividing fences, or the person or persons with whom he, she or they shall so contract, to procure and purchase the materials necessary for the executing and completing or repairing of such fencing; and all sums of money which shall or may be so expended or laid out, under the provisions of this Act, shall be recoverable as for money laid out for the benefit of the owner or owners of such lands.

Owners of land may require persons possessing the adjoining lands to assist in making and repairing the dividing fences.

II. And be it further enacted, that if any person or persons shall, from and after the passing of this Act, inclose his, her or their lands, before the lands immediately adjoining as aforesaid shall have been duly granted by the Crown, or otherwise held as private property, the owner or owners of lands so inclosed shall be authorized to claim and recover, from the person or persons who shall afterwards become the proprietor or proprietors of such adjoining lands, one half of the actual value of the wall, hedge or fence forming the dividing line or fence between the said adjoining lands; and such value shall be ascertained immediately, or as soon as may be after such adjoining land shall have been granted by the Crown, or otherwise held as private property as aforesaid, by the arbitration of two persons, to be mutually chosen by the parties, and the amount which shall be awarded under such arbitration, as one half of the value of such dividing fence, shall be recoverable by due course of law, if not paid within 12 months after the date of the award: provided always, that in case such two persons, so mutually chosen as aforesaid, shall not agree in the amount of the sum to be paid for one half of the value of such dividing fence, within the space of one calendar month next after such reference shall be made to them, then and in such case the same shall be referred to the determination of such indifferent person as the said arbitrators, by any writing under their hands, shall nominate and appoint as umpire in the case; and the decision of such umpire shall be conclusive: provided also, that in case either of the parties in difference shall neglect or refuse, for the space of one calendar month after notice in writing given by the other party for that purpose, to join in the appointment of such arbitrators as aforesaid, it shall and may be lawful for the arbitrator to be chosen by the party giving such notice to make an award *ex parte*, which shall be binding and conclusive, in like manner as if the party so neglecting or refusing

Persons who shall inclose their lands before the lands adjoining have been granted, shall be authorized to recover from any future proprietor one half of the actual value of the dividing fence.

refusing had chosen an arbitrator, who had actually joined and made an award therein.

Cases of dispute to be referred to arbitration.

III. Provided always, and be it further enacted, that in all cases where there shall be natural boundaries between adjoining land, or where any dispute or difference shall arise between the respective owners or persons legally possessed of such adjoining lands, as the necessity or sufficiency of any dividing fence as aforesaid, then and in every such case the same shall be referred to arbitration in like manner, and shall be subject to the like award and final decision, as hereinbefore provided and directed with respect to the value of dividing lines or fences as aforesaid.

Ralph Darling.

Passed the Council, this 2d day of August 1828.

T. De la Condamine,
Clerk of Council.

ANNO NONO GEORGII IV. REGIS.

(No. 13.)

By His Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice of the Legislative Council.

AN ACT to regulate the Licensing of Auctioneers, and the Collection of Duties on Property sold by Auction.—August 9, 1828.

Preamble.

WHEREAS by a certain order of the Governor of the colony of New South Wales, dated the 15th day of January, in the year of our Lord 1801, a duty of one and one half per centum was imposed upon the amount of the proceeds of sales by auction, and all persons were prohibited from exercising the trade or business of an auctioneer, unless duly licensed for that purpose: And whereas it is expedient to establish regulations, relative to the licensing of auctioneers, and the collection of duties on all kinds of property which shall from and after the passing of this Act be sold by auction in the said colony: Be it therefore enacted, by his Excellency the Governor of New South Wales, by and with the advice of the Legislative Council, that so much of the said order of the Governor, dated the 15th day of January 1801, as authorizes and imposes the said duty, shall be, and the same is hereby revoked and repealed.

Duty on the proceeds of sales by auction repealed.

Auctioneers are required to take out a license.

II. And be it further enacted, that from and after the passing of this Act, no person who shall exercise the trade or business of an auctioneer or seller by commission, at any sale of any estate, goods or effects whatsoever, by outcry, knocking down of hammer, by candle, lot, parcel or any other mode of sale at auction, or whereby the highest bidder is deemed to be the purchaser, or who shall act in that capacity, shall deal in, sell or put up to sale, any estate, goods or effects whatsoever, by public sale or by way of auction as aforesaid, without previously having taken out a license in manner hereinafter mentioned, in which license shall be set forth the true name and real place of abode of the person or persons taking out the same, he or they, immediately upon taking out of such license, paying down for the same the sum of 2*l.* sterling.

Manner of applying for a license.

III. And whereas, in consideration of the peculiar circumstances of this colony, it is expedient that the character of every person applying for a license under this Act should be carefully ascertained; Be it enacted, that every person who shall be desirous of obtaining an auctioneer's license shall apply for the same, in writing, to the bench of magistrates nearest to his usual place of residence; and such bench of magistrates, three or more being present, if they be satisfied that such applicant is a person of unexceptionable character, shall and they are hereby authorized and required to deliver to such applicant a certificate under their hands to that effect; and upon presenting such certificate to the collector of internal revenue of the said colony, or to such other officer as the Governor or acting Governor shall from time

time to time appoint, such collector of internal revenue, or other officer so appointed, shall issue and deliver to the person so applying such a license as is required by this Act: provided always, that no such license shall be granted until the person applying for the same shall have lodged in the hands of such collector of internal revenue, or such other officer as aforesaid, a bond to his Majesty, his heirs and successors, with two sufficient sureties, in manner following, that is to say, himself in the sum of 500*l.*, and his sureties in the sum of 250*l.* each, that he shall and will deliver every account of the sales by him made, and also make payment of all and every sum and sums arising or becoming due for the auction duty payable for or in respect of all such sales in the manner hereinafter directed.

Sureties to be given by persons obtaining a license.

IV. And be it further enacted, that every person who shall take out such license as aforesaid, is hereby required to take out a fresh license, ten days at least before the expiration of twelve calendar months after the taking out the first license, before he or they do presume to vend or sell by way of auction as aforesaid; and in the same manner to renew every such license from year to year, paying down the sum of 2*l.* for each and every new or renewed license as aforesaid; and if any person shall presume or offer to vend or sell by way of auction as aforesaid, without taking out such license, or renewing the same yearly, in manner aforesaid, such person shall forfeit and lose for every such offence the sum of 100*l.*

License to be renewed every year.

Penalty, 100*l.*

V. And be it further enacted, that there shall be raised, levied, collected and paid, in such manner as hereafter is mentioned, to and for the use of his Majesty, his heirs and successors, in aid of the colonial fund, for and upon all manner of sales by auction within the said colony, the rate and duty hereinafter expressed, that is to say, the sum of 1*l.* 10*s.* for each and every 100*l.* arising from the sale by auction of any estate, goods or effects whatsoever; the said rate and duty to be paid by every such auctioneer, or seller by commission, out of the monies arising at each and every such sale or auction as aforesaid.

A duty of one and a half per cent. on the proceeds of all sales by auction.

VI. And be it further enacted, that the said rate and duty by this Act imposed, shall be and is hereby declared to be, a charge upon every auctioneer or seller by commission, immediately from and after the knocking down of the hammer or other closing the bidding at every sale by way of auction; and that the rates and duties so charged shall be paid by every such auctioneer, or seller by commission, in manner and at the times hereinafter mentioned.

The above duty a charge upon the auctioneer from the closing of the bidding at every sale.

VII. And be it further enacted, that each and every person so acting as auctioneer as aforesaid, shall and he is hereby required, within fourteen days after the expiration of every calendar month, to deliver or cause to be delivered to the collector of internal revenue for the time being, or at his office, or to such other person as shall from time to time be authorized to receive the same, an exact and particular account, in writing, of the total amount of money that shall have been bidden at each and every sale, and of the several articles, lots or parcels, with the price at which every such article, lot or parcel shall have been sold at each and every sale which shall have been had and holden by such auctioneer during the said month, together with the time or times when, and the place or places where such sale or sales shall have been had and holden; and every such auctioneer shall at the same time make payment to the said collector of internal revenue of all such sum and sums of money as shall be due and payable to his Majesty, in pursuance of and according to the true intent and meaning of this Act, which sum or sums of money such auctioneer is hereby authorized and empowered to retain out of the produce arising by such sale or deposit made at such sale, or otherwise to recover the same by action at law against the person or persons by whom such auctioneer shall have been employed, or on whose account such goods shall have been so sold; and every person so acting as auctioneer at such sale or sales, if any, shall make oath to the truth of each and every such account, before the said collector of internal revenue, or such person as shall be so appointed as aforesaid, or before any justice of the peace, who are hereby respectively authorized to administer the same; and in case any such auctioneer shall neglect to deliver in his account at the time and in manner aforesaid, or to make payment of the rates and duties as herein directed, or if it shall appear that the account delivered in by such auctioneer is not a true and just account, or that the said auctioneer hath acted contrary to the true intent and meaning of this Act, it shall and may be lawful for the said collector of internal revenue, or other person so to be appointed as aforesaid, to cause the bond or bonds of such auctioneer, and his

Account of all sales to be rendered within fourteen days.

Auctioneer authorized to retain the above duty from the proceeds of sale.

To make oath to the truth of his account.

In case of judgment being had against an auctioneer, his license shall become void.

Exception.

If sales by auction are rendered null and void, the duty paid thereon is to be returned.

In case the owner of any goods shall become the purchaser, an allowance of the duty arising by this Act will be made.

This Act not to extend to goods sold by order of court; of collector of the customs; or distrained for rent.

This Act not to extend to any sales for the benefit of creditors; of ships condemned as prizes; of ships wrecked; of ships foundered out at sea.

sureties, to be put in suit, and in case of a judgment being thereupon had against the defendant, such license shall thenceforth become void to all intents and purposes, and such auctioneer shall be and he is hereby declared to be for ever after disqualified for holding any license as an auctioneer, unless it shall appear to the satisfaction of the court or judge before whom the trial of such bond shall have been had that no fraud or wilful delay, contrary to the true meaning of this Act, was intended by such auctioneer, and a certificate to such effect shall be granted by such court or judge respectively.

VIII. And whereas it may sometimes happen that sales at auction of estates of goods may be rendered null and void, by reason that the person or persons for whose benefit the same shall be sold had no title to, or no right to dispose of the same; Be it therefore enacted, that if any sale by auction of any estate, goods or effects shall be rendered void, by reason that the person for whose benefit the same was sold had no title to the same, or no right to dispose thereof, then and in every such case it shall and may be lawful for the auctioneer who paid the duty for estates, goods or effects so sold, or for the person or persons for whose benefit the same was so sold, to apply to the said collector of internal revenue, or to the person who shall be appointed as aforesaid, for a return of the duty so paid; and the said collector, or the person so appointed as aforesaid, shall and is hereby required to hear and investigate all such applications, and examine the witnesses, upon oath, who shall be produced on the part of the party or parties making such application, which oath the said collector of internal revenue, or other person appointed as aforesaid, is hereby empowered to administer, and thereupon to report the case to the said Governor or acting Governor, who, upon being satisfied as to the justness of the application, may order the amount of duty which shall have been so paid as aforesaid to be refunded and paid to such auctioneer, or such other person on whose behalf the same shall have been originally paid to such collector of internal revenue, or other person appointed as aforesaid; any thing in this Act to the contrary notwithstanding.

IX. Provided also, and be it further enacted, that in case the real owner of any estate, goods or effects, put up to sale by way of auction, shall become the purchaser by means of his own bidding, or the bidding of any other person on his behalf, or for his use, at such sale, without fraud or collusion, then and in such case the said collector or other person appointed to receive the duties is and are respectively hereby authorized and empowered to make an allowance to such owner of the duties arising by this Act upon such bidding, provided notice be given to the auctioneer before such bidding, both by the owner and the person intended to be the bidder, of the latter being appointed by the former, and having agreed accordingly to bid at the sale for the use and behoof of the seller; and provided such notice be verified, if required, by the oath of the auctioneer, as also by evidence to be given of the fairness and reality of the transaction, according to the best of his knowledge and belief; and in case any dispute shall arise whether such purchase by the owner was not made by collusion, or in order to lessen the full sum appointed by this Act to be paid, or concerning the fairness of such transaction, then and in such cases the proof thereof shall lie upon the person acting as auctioneer; and on failure therein, or in case of any unfair practice, then no such allowance shall be made as aforesaid.

X. Provided always, and it is hereby further enacted, that nothing in this Act contained shall extend to any sale or sales, by way of auction, of estates or chattels, made by any rule, order or decree of the Supreme Court of the said colony, in pursuance of its equitable jurisdiction, or by order of the collector or acting collector of the customs within the said colony, nor to the sale by auction of any goods distrained for rent; any thing hereinbefore to the contrary notwithstanding.

XI. Provided also, and it is hereby further enacted, that nothing in this Act contained shall extend, or be construed to extend, to charge with the said rate or duty any estate, goods or chattels sold at auction, by or under the authority of the sheriff or under-sheriff of the said colony, for the benefit of creditors, in execution of any judgment had or obtained; or any estate or effects of bankrupts or insolvents sold by order of the assignee or assignees of such bankrupt or insolvent legally appointed; nor to any ships, or their tackle, apparel and furniture, or the cargoes thereof, which may be taken and condemned as prizes, and which shall be sold in the said colony by or for the benefit of the captors thereof; nor to charge with

with the said rate or duty any ships or goods which may be wrecked or stranded on any of the coasts in this colony, or found derelict at sea, and sold by auction for the benefit of the insurers or proprietors thereof, or which may be sold, free of duty, to defray the charges of salvage; any thing herein contained to the contrary notwithstanding.

XII. And for the better and more effectual preventing frauds which may be practised by auctioneers selling estates, goods or chattels under the authority of the sheriff of the said colony, or under the order and direction of the trustees under any declaration of insolvency; Be it further enacted, that every auctioneer who shall sell at auction any estate, goods or chattels that have been seized by the sheriff or by his authority, and by him taken for the benefit of creditors, in execution of any judgment had and obtained, shall specify and enumerate in the catalogue, as well as in the monthly accounts by him to be delivered under the directions of this Act, the exact sum to be levied under such execution, as also the particular estates and effects to be sold, together with the time and place when and where such effects were sold, and the exact amount bid at such sale; and the sheriff or his under-sheriff shall and is hereby required to subscribe and sign every such catalogue, and to certify at the foot thereof that all and every the estate, goods and effects sold at such sale, and in such catalogue respectively specified and enumerated, were really and truly the property of the person against whom such judgment was had and obtained, and that the same and every part thereof were actually seized in execution of the same judgment; and every auctioneer who shall be employed by the trustees under any declaration of insolvency to sell the effects of any insolvent, shall likewise specify and enumerate in the said catalogue, and in such monthly account to be delivered by him as aforesaid, the particular goods and effects sold, the time and place when and where such goods and effects were sold, also the exact sum bid at such sale; and the trustees or trustee, if only one, under such declaration, shall and he and they is and are hereby required to subscribe and sign such catalogue, and to certify at the foot thereof that all and every the estate, goods, chattels and effects in such catalogue respectively specified and enumerated were sold at such sale, and were really and truly the property of the said insolvent at the time of his being declared insolvent; which respective catalogue so signed and certified as aforesaid shall be produced by every such auctioneer to the person to whom such auctioneer is by this Act directed to deliver his account, before such auctioneer shall be permitted to pass his accounts or have the same allowed; and if the said sheriff or under-sheriff, or trustees or trustee respectively, shall insert or suffer or permit to be inserted in any such catalogue so to be subscribed, signed and certified as aforesaid, any sum or sums as bidden for any estate, goods, chattels or effects whatsoever, other than such as were really and truly the property of the above debtor or debtors, insolvent or insolvents as aforesaid respectively, or if the sheriff or under-sheriff shall omit or neglect to certify on such catalogue the true sum to be levied, or shall certify thereon any false sum, then and in every such case the party offending shall for every such offence forfeit and lose the sum of 20 l.

Mode of rendering the amounts of sales made under the authority of the sheriff, or by order of trustees under any declaration of insolvency.

Penalty, 20 l.

XIII. And be it further enacted, that all fines, penalties and forfeitures imposed by this Act which shall exceed the sum of 20 l., shall be recovered by action of debt, bill or information, in the Supreme Court of the said colony; and that all fines, penalties and forfeitures imposed by this Act which shall not exceed the sum of 20 l., shall be recovered before any two or more justices of the peace in a summary manner, and shall, if not paid within six days after conviction, be levied by distress and sale of the offender's goods and chattels; and for want of sufficient distress, by imprisonment of such offender for any time not exceeding six calendar months, or until such fine be paid; and the money arising by all such fines, penalties and forfeitures respectively, when recovered, shall be, as to one moiety thereof, to and for the use of our sovereign lord the King, his heirs and successors, and be carried to and form part of the colonial fund of the said colony, and be applied to the public use and in support of the government thereof; and be, as to the other moiety of such fines, penalties and forfeitures, to and for the use of such persons as shall inform or sue for the same.

Any sum above 20 l. to be recovered by action at law, and any sum not exceeding 20 l. before two or more justices.

All fines, penalties and forfeitures, to be paid half to the colonial fund, and half to the person informing or suing for the same.

Ralph Darling.

Passed the Council, this 9th day of August 1828.

T. De la Condamine,
Clerk of Council.

ANNO NONO GEORGII IV. REGIS.

(No. 14.)

By His Excellency Lieutenant-General Ralph Darling, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice of the Legislative Council.

AN ACT for regulating Places of Public Exhibition and Entertainment.—
1st September 1828.

Preamble.

Theatrical representations are prohibited, unless the houses are licensed.

WHEREAS it is expedient that provision should be made for guarding against the evil consequences which the unrestricted power of opening places of public exhibition and entertainment, in the present circumstances of this colony, must necessarily produce; Be it therefore enacted by his Excellency the Governor of New South Wales, by and with the advice of the Legislative Council, that from and after the passing of this Act, if any person or persons shall act, represent or perform, or cause to be acted, represented or performed, whether such acting or performance be gratuitous, or be for hire, gain or reward, any interlude, tragedy, comedy, opera, concert, play, farce or other entertainment of the stage, or any part or parts therein, or any stage-dancing, tumbling or horsemanship, or any other public entertainment whatever to which admission shall or may be procured by payment of money, or by tickets, either transferable or not transferable, or by any other means, promise, token or consideration, as the price, hire or rent of admission, or of places, seats or boxes for the day, week, month or year, or for any less or longer time whatever; or if any person or persons shall take or receive, or cause to be taken or received any money, goods or valuable thing whatsoever, by way of rent, fee or reward, for the use or hire of any house, room, building, garden or place wherein any such exhibitions or entertainments as aforesaid, or any part thereof, shall be acted, represented, performed, exhibited or done; or being the owner or occupier thereof, shall permit or suffer the same to be so used and applied; every such person shall, in case the place wherein the same shall be acted, represented, performed, exhibited or done be without authority and license from the colonial secretary or the acting colonial secretary for the time being, forfeit and pay for every such offence the sum of 50*l.* of lawful money of Great Britain, to be recovered in manner hereinafter mentioned.

Penalty.

Persons frequenting unlicensed houses to be deemed rogues and vagabonds.

II. And be it further enacted, that every house, room, building, garden or place, wherein any such exhibitions or entertainments as aforesaid, or any part thereof, shall be acted, represented, performed, exhibited or done, unless the same be authorized and licensed by the colonial secretary, or the acting colonial secretary for the time being, shall be deemed a disorderly house, room, building, garden or place; and it shall and may be lawful to and for any constable, or other person, being thereunto authorized by warrant under the hand and seal of one or more of the magistrates of the territory of New South Wales, to enter such house, room, building, garden or place, and to seize every person who shall be found therein; and every person so found shall be deemed to be a rogue and vagabond, and shall be liable and subject to all such penalties and punishments as are inflicted on, or appointed for the punishment of rogues and vagabonds: provided always, and be it further enacted, that if any such exhibitions or entertainments as aforesaid, or any part thereof, shall be acted, represented, performed, exhibited or done, in any house, room, building, garden or place, wherein ale, beer, wine, spirits, coffee or any other liquors shall be sold or retailed, the place wherein such exhibitions or entertainments as aforesaid, or any part thereof, are represented or done, shall be deemed to be a disorderly house, room, building, garden or place, and the license or licenses of the person being the occupier of such last-mentioned house, room, building, garden or place, shall henceforth become forfeited and void; and the person being the holder thereof shall, in addition to such loss of license, forfeit and pay for every such offence the sum of 50*l.* of lawful money of Great Britain, to be recovered in manner hereinafter mentioned.

Spirits or other liquors not to be sold at any place where exhibitions are represented.

Penalty.

Penalties how to be recovered.

III. And be it further enacted by the authority aforesaid, that all penalties and forfeitures, imposed for offences committed under this Act shall be recovered in a
summary

summary way, before two justices of the peace for the district where any such offence shall be committed, by the oath or oaths of one or more credible witness or witnesses, or by the confession of the offender, the same to be levied by distress and sale of the offender's goods and chattels, rendering the overplus to such offender, if any there be, above the penalty and charge of distress; and for want of sufficient distress, the offender shall be committed to any house of correction or gaol of any such district, there to be kept to hard labour for any time not exceeding six calendar months; and if any person or persons shall think him, her or themselves aggrieved by the order or orders of such justices of the peace, it shall and may be lawful for such person or persons to appeal therefrom to the next court of general or quarter sessions to be holden for the district within which such conviction shall be made, whose order therein shall be final and conclusive.

IV. And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced or brought against any justice of the peace, or any other person, for doing or causing to be done any thing in pursuance of this Act, such action or suit shall be commenced within six calendar months next after the fact done; and the defendant or defendants in such action or suit shall and may plead the general issue, and give the special matter in evidence; and if, upon such action or suit, a verdict shall be given for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuit, or shall not prosecute his or their said action or suit, then the defendant or defendants shall have treble costs, and shall have the like remedy for the same as any defendant or defendants have in any other cases by law. Actions to be brought within six months.

V. And be it further enacted, that all fines which shall be levied under this Act shall be paid into the treasury, and appropriated to his Majesty, his heirs and successors, in aid of the general fund for the support and maintenance of the government of the colony. Fines how to be applied.

Ralph Darling.

Passed the Council, this 1st day of September 1828.

T. De la Condamine,
Clerk of Council.

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ACTS AND ORDINANCES

OF THE

GOVERNOR AND COUNCIL

OF

NEW SOUTH WALES,

Under the Authority of the Act of the Imperial
Parliament of the 4th of Geo. IV. cap. 96;
and passed during the Administration of His
Excellency Lieut.-General RALPH DARLING:
1828. With a Table of the Titles and
Indexes.

Ordered, by The House of Commons, to be Printed,
11 March 1831.

VAN DIEMEN'S LAND.

C O P I E S

OF

THE LAWS AND ORDINANCES

PASSED BY THE

GOVERNOR AND COUNCIL

OF

THE COLONY OF VAN DIEMEN'S LAND.

1826—1830.

(Presented to Parliament, as required by Act 9 Geo. IV. c. 83, sec. 29.)

Colonial Department, }
Downing-street, }
3 March 1831. }

HOWICK.

Ordered, by The House of Commons, to be Printed,

11 March 1831.

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VAN DIEMEN'S LAND.

COPIES of the LAWS and ORDINANCES passed by the Governor and Council
of the Colony of *Van Diemen's Land*: 1826—1830.

Anno Septimo GEORGII IV. REGIS. No. 1.

By his Excellency Colonel *George Arthur*, Lieutenant Governor of the
Island of Van Diemen's Land and its Dependencies, with the Advice of
the Legislative Council.

AN ACT for the Summary Punishment of disorderly Conduct in Female Offenders in the Service of the Government, or of any Inhabitant of Van Diemen's Land ; and for vesting in the Principal Superintendent of Convicts the like Powers and Authorities as are given to the several Justices of the Peace, by a Law or Ordinance made in the Sixth Year of His Majesty's Reign, by his Excellency Sir *Thomas Brisbane*, late Governor of New South Wales, with the Advice of the Council of that Colony, intituled, " An Act for the Summary Punishment " of disorderly Conduct in any Offender in the Service of Government, or of " any Inhabitant of New South Wales or Van Diemen's Land," and by the present Act.

WHEREAS, under and by virtue of the said Law or Ordinance, the several Justices of the Peace in this Colony are authorized to take cognizance, in a summary way, of every complaint made against any such male offender as is therein described, for misbehaviour or disorderly conduct during the term of his transportation or subsisting conviction ; and upon conviction of any such offender, to inflict or cause to be inflicted such moderate punishment as in and by the said Law or Ordinance is mentioned and allowed, subject nevertheless to the proviso and restriction therein in that behalf contained ; But no provision is thereby made for punishing the misbehaviour and disorderly conduct of female offenders of the like description ; For remedy whereof be it Enacted, by his Excellency the Lieutenant Governor of Van Diemen's Land, with the advice of the Legislative Council, That it shall and may be lawful for any Justice assigned to keep the peace within this Colony, to take cognizance, in a summary way, of any complaint made before him against any female offender convicted in Great Britain, or other parts of The King's dominions, and transported to this Colony, or convicted in this Colony and under sentence or order of transportation for misbehaviour or disorderly conduct during such her term of transportation, or during the time she shall be under such sentence or order of transportation, whether such female offender be in the service of the Government or of any inhabitant of this Colony or its dependencies, and upon conviction to punish such female offender, either by solitary confinement on bread and water, in any place appointed for safe custody, for any term not exceeding Fourteen days, or by confinement and hard labour in such place for any term not exceeding Three calendar months, according to the nature and degree of the misbehaviour or disorderly conduct.

Provided alway, That a quarterly return of all sentences imposed by every such Justice, under the authority of this Act, shall be made to the Governor or Acting Governor for the time being of this Colony.

And whereas, under and by virtue of an Act of Parliament made and passed in the Fifth year of His Majesty's reign, intituled, " An Act for the Transportation of " Offenders from Great Britain," His Majesty is authorized to direct that male offenders

offenders convicted in Great Britain, and being under sentence or order of transportation, shall be removed to any part of His Majesty's dominions out of England, and there confined and kept to hard labour, under the custody and management of a Superintendent and an Overseer, to be respectively appointed as therein mentioned; and such Superintendent and Overseer are thereby respectively authorized to inflict upon any such offender who shall be guilty of any misbehaviour or disorderly conduct, during such custody, such moderate punishment as shall be allowed by one of His Majesty's Principal Secretaries of State; and such Superintendent is thereby authorized, in every such place of confinement, to act in every respect as a Justice of the Peace:

And whereas the duties of the Principal Superintendent of Convicts in this Colony are similar to those of the said Superintendent mentioned in the said Act of Parliament:

And whereas the necessity of resorting to the police and other magistrates for the punishment of such male offenders as aforesaid, in the service of the Government, as have been guilty of misbehaviour and disorderly conduct, hath frequently occasioned great hindrance both to the magistrates in the execution of their offices, and to the carrying on of the public works, and the maintenance of good order amongst such male and female offenders as aforesaid would be greatly facilitated by giving and conveying to the said Principal Superintendent of Convicts the powers and authorities hereinafter contained in that behalf:

Be it therefore further Enacted, by the authority and with the advice aforesaid, That it shall be lawful for the Principal Superintendent of Convicts for the time being to take cognizance, in a summary way, of every complaint made before him against any male or female offender convicted in Great Britain, or any other part of the King's dominions, and transported to this Colony, or convicted in this Colony, and being under sentence or order of transportation for any misbehaviour or disorderly conduct during his or her term of transportation, or during such time as he or she shall be under sentence or order of transportation, whether such offender be in the service of the Government, or of any inhabitant of the said Colony or its dependencies; and to examine into, hear, and determine the matter of every such complaint; and upon proof by one or more credible witnesses upon oath, (which oath such Principal Superintendent of Convicts is hereby authorized to administer,) to convict or acquit the offender against whom such complaint shall be made; and also, without the complaint of any other person, and without examination of any witness or witnesses, to convict any such male or female offender, being in the service of the Government, of any misbehaviour or disorderly conduct committed by him or her within the view of the said Principal Superintendent of Convicts; and upon every such conviction as aforesaid, to order and cause such moderate punishment to be inflicted upon the offender convicted, as under and by virtue of the said recited Law or Ordinance, and of the present Act, or either of them, any Justice of the Peace is authorized to inflict or cause to be inflicted in a like case.

Provided alway, That nothing herein contained shall be deemed to authorize any Justice of the Peace, or the said Superintendent of Convicts, to take cognizance of any misbehaviour or disorderly conduct of any such offender as aforesaid, who, at the time of such misbehaviour or disorderly conduct, shall be in the private service of such Justice, or the said Principal Superintendent of Convicts respectively.

Provided also, That the said Principal Superintendent of Convicts shall make a weekly Return, on Monday in every week, to the Governor or Acting Governor for the time being of this Colony, of all convictions made and all punishments ordered by him, under the authority of this Act, during the week preceding every such Report.

Provided also, That this Act shall continue and be in force for the term of Two years from and after the making hereof, and no longer.

GEORGE ARTHUR.

Passed the Council this 1st day of August 1826.

John Montagu, Clerk of the Council.

Anno Septimo GEORGII IV. REGIS. No. 2.

By his Excellency Colonel *George Arthur*, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice of the Legislative Council.

AN ACT for regulating the future Sale of Ale, Beer, Wine, Spirits and other Liquors, by Retail, in the Island of Van Diemen's Land and its Dependencies, and promoting Good Order in Public-houses; and also for indemnifying the Justices of the Peace in respect of the Licenses granted on and since the last licensing Day.

WHEREAS, by an Act of his Excellency Sir Thomas Brisbane, the late Governor of New South Wales, with the advice of the Council of that Colony, passed on the Eighth day of February One thousand eight hundred and twenty-five, intituled, "An Act to regulate the granting of Licenses for the Sale of Spirits, Ale, Beer and other Liquors, in New South Wales and Van Diemen's Land respectively;" it was enacted (amongst other things) that all public-house licenses should be issued in the manner therein mentioned; and that before any license should be granted, a certificate, referred to in and by the said Act, should be obtained from the Justices of the Peace in quarter sessions or by special appointment assembled, on the Nineteenth day of February then next, and on the first Thursday in every month of March, in every following year, within the district or township nearest to the house intended to be made a public-house; and that before any licenses should be valid for any purposes, the same should be produced to the Commissary of Civil Accounts for New South Wales, or Van Diemen's Land respectively, and be countersigned by such respective Commissary: And whereas the public-house licenses which were in force in Van Diemen's Land on the arrival of the aforesaid Act from New South Wales were granted for One year, from the Twenty-ninth day of September One thousand eight hundred and twenty-four; and at the time such Act was received in Van Diemen's Land there was not, neither is there now, within the said Island, any such officer as a Commissary of Civil Accounts: And whereas, previous to the Twenty-ninth day of September next after the publication of the said Act in Van Diemen's Land, the Justices of the Peace for the said Island took into consideration their power to grant licenses under the provisions of such Act, and how far any licenses, if so granted, or the Acts of Justices of the Peace granting the same, would be valid; and it appearing to such Justices, and the law officers of His Majesty's Government, that the new licensing Act before mentioned could not be safely proceeded upon, it was deemed expedient to continue to act upon the former mode of licensing, as far as circumstances would permit, in order that the public-houses of the Island might not be shut up and the proprietors thereof injured; and such mode was accordingly adopted: And whereas it is expedient that new laws should be made for regulating the granting of public-house licenses, and for securing the good government of such public-houses by the landlords or occupiers thereof, and that the Justices of the Peace should, under the circumstances before mentioned, be indemnified for granting the licenses issued on the Twenty-ninth day of September last, or at any time since, and for acting in any proceeding had under the same respectively: And that the before-recited Act should be repealed, as far as the same relates, or was intended to relate, to Van Diemen's Land:

I. Now therefore be it Enacted, by his Excellency the Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That from and after the day of the date hereof, the before-recited Act of the Eighth day of February One thousand eight hundred and twenty-five, so far as the same relates, or was intended to relate, to Van Diemen's Land, shall be and the same is accordingly hereby repealed.

II. And be it further Enacted, That if any person shall, from and after the Twenty-ninth day of this present month of September, sell, barter, exchange or retail ale, beer or other malt liquors, or wine, cider, ginger-beer, brandy, rum, gin, whiskey, cordials, or any other strong fermented or spirituous liquors, in the Island of Van Diemen's Land, or any dependency thereof, in a less quantity than Five gallons, without having first obtained from the Colonial Treasurer, or other person acting as Colonial Treasurer for the time being, a license, in the manner and form hereinafter mentioned, he or she shall forfeit and pay for every such offence the sum of Fifty

pounds sterling, together with the costs of prosecution and conviction, and of the execution of such conviction; one moiety or half part of which sum of Fifty pounds shall be to and for the use of His Majesty, His heirs and successors, and the other moiety or half part thereof to and for the use of him her or them who shall inform or sue for the same; Provided always, That nothing herein contained shall be deemed to extend to any person well known in the said Island, or any dependency thereof, as a physician, apothecary, surgeon, chemist or druggist, and to be practising as such, who may prescribe, administer, use or sell any of the liquors before mentioned or referred to as medicines, or for medicinal purposes.

III. And be it further Enacted, That if any master or other person shall, directly or indirectly, agree with any journeyman workman, servant or labourer, or other person hired or employed in any manner whatsoever, by or for him or her, to pay to him or her so much money for or on account of wages or as a reward for work or service, and so much ale, beer or spirituous or other liquor as aforesaid, as, together with the money so agreed to be paid, shall amount to the wages or hire or reward agreed to be given or paid, or to the value of such wages or hire or reward, or shall set off or deduct any part of the wages or hire or reward for any ale, beer or spirituous or other liquors as aforesaid; such master or other person shall be deemed a retailer, and forfeit and pay for every such offence the sum of Twenty-five pounds sterling, together with the costs of prosecution and conviction, and of the execution of such conviction, over and above the penalty hereby imposed for retailing without a license; one moiety or half part of which sum of Twenty-five pounds shall be to and for the use of His Majesty, His heirs and successors, and the other moiety or half part thereof to and for the use of him her or them who shall inform or sue for the same: And every such journeyman workman, servant, labourer or other person so hired or employed as hereinbefore mentioned, shall, notwithstanding any agreement to the contrary, be entitled to his or her whole wages or hire or reward.

IV. And be it further Enacted, That if any spirituous liquors shall be sold or delivered in a less quantity than Five gallons, in a secret and clandestine manner, to any person, in any house, outhouse, stable, barn, shed or other place, being part of or belonging to any house or farm, and the occupier or occupiers of such house or farm shall be privy or consenting to the said secret and clandestine sale or delivery, then and in such case such occupier or occupiers shall be deemed a retailer or retailers of the spirituous liquors so sold or delivered, and shall forfeit and pay for every such offence the sum of Twenty-five pounds sterling, together with the costs of prosecution and conviction, and of the execution of such conviction; one moiety or half part of which sum of Twenty-five pounds shall be paid to and for the use of His Majesty, His heirs and successors, and the other moiety or half part thereof to and for the use of him her or them who shall inform or sue for the same.

V. And be it further Enacted, That if any person who shall sell wares, provisions, or any other things, by retail, shall give away spirituous liquors to any apprentice, journeyman workman, servant or labourer, coming to his or her house or shop to buy any thing, under the pretence of his or her being a customer, or under any other pretence, then and in such case such person shall be deemed a retailer of the spirituous liquors so given away, and shall forfeit and pay for every such offence the sum of Fifty pounds sterling, together with the costs of prosecution and conviction and of the execution of such conviction; one moiety or half part of which sum of Fifty pounds shall be to and for the use of His Majesty, His heirs and successors, and the other moiety or half part thereof to and for the use of him her or them who shall inform or sue for the same.

VI. And be it further Enacted, That no license shall be granted for retailing any spirituous liquors within any gaol or female factory or penitentiary or other place for the lodging of convicts; and that if any gaoler, keeper or officer of any gaol, female factory, penitentiary or place for the lodging of convicts shall sell, use, lend or give away, or knowingly suffer any spirituous liquors or strong waters to be sold, used, lent or given away in any such gaol, female factory or penitentiary or place for the lodging of convicts, or brought into the same, except such as shall be prescribed by the order or direction of a regular physician, surgeon or apothecary, from an hospital or the shop of some regular apothecary, then and in such case such gaol-keeper or officer shall forfeit and pay the sum of One hundred pounds sterling, together with the costs of prosecution and conviction, and of the execution

of

of such conviction; one moiety or half part of which sum of One hundred pounds shall be to and for the use of His Majesty, His heirs and successors, and the other moiety or half part thereof to and for the use of him her or them who shall inform or sue for the same; and if any such gaoler, keeper or officer shall offend again in like manner and be a second time convicted, he or she shall immediately upon such second conviction forfeit and be deprived of his or her place situation or office.

VII. And be it further Enacted, That any Justice of the Peace, on information upon oath that spirituous liquors or strong waters are kept and disposed of in any gaol, female factory or penitentiary or place for the lodging of convicts, shall and may enter the said gaol, female factory or penitentiary or place of lodging, and search for, or empower by warrant any constable or other peace officer to search for and seize all such liquors as shall be found (except such as are directed to be used medicinally) and to cause the same to be forthwith destroyed.

VIII. And be it further Enacted, That if any person shall bring or endeavour to bring any distilled or spirituous liquors (except in the way of medicine as before-mentioned) into any such gaol, female factory or penitentiary, or place for the lodging of convicts, the gaoler, keeper or officer thereof, or any of his or her servants, shall and may apprehend and carry the offender before any Justice of the Peace, who shall hear and determine such offence in a summary way; and if by the oath of one witness, or otherwise, such person shall be convicted, he or she shall be committed to prison, there to be kept for any time not exceeding Six months, unless he or she shall immediately pay down such sum, not exceeding Twenty pounds sterling nor less than Two pounds sterling, as such Justice of the Peace shall impose; one moiety or half part of which sum so imposed shall be paid to him her or them who shall inform or sue for the same, and the other moiety or half part thereof shall be applied for the benefit of the poor of His Majesty's gaols at Hobart Town and Launceston.

IX. And be it further Enacted, That the gaoler or keeper, master or chief officer of every gaol, female factory or penitentiary, or place for the lodging of convicts, shall procure a copy of the Three preceding clauses to be printed or fairly written and hung up in one of the most public places of his or her gaol, female factory or penitentiary, or place for the lodging of convicts, and renew the same from time to time, so that it be always kept fair and legible, on pain of Forty shillings, to be recovered and enforced by distress and sale of the goods and chattels of the offender, under the warrant of any one Justice of the Peace, on the information upon oath of one witness; and any Justice of the Peace may at any time enter and demand a sight of such printed or written copy, and if it be not immediately shown to him hung up in some public place fair and legible, he shall forthwith convict such person, and so from time to time as often as he shall think fit; one moiety or half part of which sum of Forty shillings shall be paid to him her or them who shall inform or sue for the same, and the other moiety or half part thereof (and the whole of such sum, if there shall be no informer) shall be applied for the benefit of the poor of His Majesty's gaols at Hobart Town and Launceston.

X. And be it further Enacted, That it shall be lawful for any Justice of the Peace, upon receiving information on oath of any offence against this Act, by retailing spirituous liquors without a license, to grant a warrant to any chief or other constable to enter and search the houses and other places where the offence shall be sworn to be committed, or in the occupation of any person sworn to be guilty thereof; which constable shall and may break open the doors, if not forthwith opened on demand, and seize all such distilled spirituous liquors as he shall there find, and detain the same till the offence shall be heard and determined; and if the party complained against be convicted, the liquors shall be forthwith staved or destroyed, but if not convicted, such liquor shall be immediately restored.

XI. And be it further Enacted, That in case any summons shall be issued by any Justice or Justices of the Peace, for any person or persons to appear and answer to any information or complaint for selling by retail any malt or spirituous liquors without license, the directing such summons to such person or persons in the name or names by which he she or they is, or are, or has or have been usually known, whether the same be the real and proper or the assumed or feigned name or names of such person or persons, and the leaving such summons at his her or their

their then or then last usual place or places of abode, and affixing a copy thereof on the door or other conspicuous part on the outside thereof, (such service being proved on the oath of the person or persons who shall have so served such summons and so affixed such copy,) shall be deemed and is hereby declared to be as legal and effectual a notice or summons, to all intents and purposes, as if the same had been given or delivered to or into the hands of the party or parties to whom the same shall be directed, and as if the same had been directed to the party or parties by his her or their proper and real name or names.

XII. And be it further Enacted, That it shall be lawful for the Justices of the Peace to determine the fact of what is selling or retailing without license, according to the circumstances of or attending each and every particular case, without direct evidence of money or other value having been given for the ale, beer, spirits or other liquors.

XIII. And be it further Enacted, That a general meeting of the Justices of the Peace acting within that division of the Island which is commonly called the county of Buckinghamshire, shall be holden at Hobart Town on the Eighteenth day of this present month of September, and on the Eighteenth day of September in every following year, unless such day shall happen to be Sunday, then in that case on the Seventeenth day of the same month, for the purpose of taking into consideration the applications which may then be made for certificates for the license of any inns, ale-houses or victualling houses in such division, or in any dependency of the said Island; and on the said Eighteenth day of September, and on the same day in every following year, a general meeting of the Justices of the Peace residing within the division of the Island which is commonly called the county of Cornwall, shall be holden at Launceston, for the purpose of taking into consideration the applications which may then be made for certificates for the license of any inns, ale-houses or victualling houses in such last-mentioned division; which Justices of the Peace, so meeting at Hobart Town and Launceston as aforesaid, are hereby empowered to adjourn from the day of such meeting to such other day as the said Justices shall then agree upon; provided that only one adjournment shall take place.

XIV. And be it further Enacted, That except in such cases as are hereby specially provided for, no certificate for a license shall be granted on any other day than the Eighteenth day of September, or the day to which the Justices may have adjourned.

XV. And be it further Enacted, That for every license for selling ale, beer or other malt liquors, and wine, cider, ginger-beer, brandy, rum, gin, whiskey, cordials, or any other strong fermented or spirituous liquors, in any quantities under Five gallons, there shall be paid to the Colonial Treasurer of the Island of Van Diemen's Land, the sum of Twenty-five pounds sterling: Provided always, That no license shall be granted to any person for the retailing of spirituous liquors only.

XVI. And be it further Enacted, That every license shall be valid for One year, and no longer; and upon the application of the holder thereof, shall be renewed before any new license shall be granted, unless the holder of the license so required to be renewed shall have been convicted of a breach of his or her recognizance.

XVII. And be it further Enacted, That from and after the present month of September, every person desirous of obtaining from the Justices of the Peace a certificate for a license under this Act, shall deliver or cause to be delivered to the clerk of the peace at Hobart Town, or to his deputy at Launceston, on or before the Sixteenth day of this present month of September, and on or before the Sixteenth day of the month of September in every following year, a notice in writing of his or her intention to apply for such license.

XVIII. And be it further Enacted, That it shall be lawful for the Lieutenant Governor, previous to the Eighteenth day of September, in this and every following year, to fix the number of public-houses to be licensed in the several towns or districts of the Island on the then next licensing day, and to signify the same to the clerk of the peace or other proper officer, and the Justices shall limit the licenses accordingly; and if in the present or any other year there shall by such means be a reduction in the number of licenses granted for the preceding year, the Justices shall select such houses as may appear to them to have been kept in the most orderly manner in the present or other current year.

XIX. And

XIX. And be it further Enacted, That no Justice of the Peace who is a brewer, maltster, distiller, or dealer in ale, beer or spirituous liquors, or is concerned in partnership with any person as a brewer, maltster, distiller, or dealer in ale, beer or spirituous liquors, or shall be the owner or part owner, or trustee, manager or agent of any owner or part owner of or for any house licensed, or about to be licensed, for any of the purposes aforesaid, or be directly or indirectly interested in such house at any time or times when any of the powers of this Act are to be exercised, shall sit or act in any meeting during the consideration of any application for a certificate for a license, or of any thing relating thereto, or convict or join in any conviction, or in the determination of any application for a certificate for a license to keep a house not before licensed, or in the determination of any appeal directed or given by this Act; and every Justice of the Peace who shall knowingly or wilfully offend in any of the premises shall, for every such offence, forfeit and pay the sum of One hundred pounds, to be recovered by any person who will sue for the same, within Six calendar months after such offence committed, by action of debt, or on the case, or by bill, suit or information in the Supreme Court of Van Diemen's Land, wherein no essoign, protection or wager at law, nor more than one imparlance at law shall be allowed; one moiety or half part of which said penalty of One hundred pounds shall be to and for the use of His Majesty, His heirs and successors, and the other moiety or half part thereof to and for the use of him her or them who shall inform or sue for the same.

XX. And be it further Enacted, That no person holding any office or employment under the Colonial Government, no under-sheriff, sheriff's bailiff, or other sheriff's officer, nor any constable, shall hold any license under the authority of this Act; nor shall any such person as aforesaid, nor any Justice of the Peace, nor any publican or dealer in malt or spirituous liquors, be received or taken as surety in any recognizance to be entered into as aforesaid.

XXI. And be it further Enacted, That every person desirous of obtaining a license under this Act shall produce to the Justices of the Peace, at their general meeting at Hobart Town or Launceston, (as the case may require,) a certificate signed by three established and respectable housekeepers, in the form prescribed by the Schedule to this Act marked (A.), and shall enter into a recognizance to the King's Majesty, His heirs and successors, with two sufficient sureties to be approved of by such Justices of the Peace, in the sums and form and with the condition prescribed by the Schedule to this Act marked (B.), which recognizance shall be entered into in the presence of the majority of the Justices then assembled, and be signed by at least Two of such Justices; which said Justices of the Peace, or Two of such Justices at least, shall, before any license be granted, certify their approbation thereof, in the form prescribed by the Schedule to this Act marked (C.); and the clerk of the peace or other proper officer shall, upon receiving from the person in whose favour such certificate of the Justices may be made the sum of Two shillings and sixpence sterling, for the said certificate, and the sum of Ten shillings and sixpence sterling, for the recognizance therein referred to, deliver such certificate, with a copy of the said recognizance, to the applicant for a license, who shall thereupon lodge the said certificate with the Colonial Treasurer of the said Island, or other person acting as Colonial Treasurer for the time being, at his office; and upon payment of the sum of Twenty-five pounds sterling for the same as aforesaid, shall receive from the said Colonial Treasurer or Acting Colonial Treasurer, a license, which shall be in the form prescribed by the Schedule to this Act marked (D.); but such license shall not be valid for any purpose whatever until the same shall have been produced to and countersigned by the Commissary of Accounts or Acting Commissary of Accounts for the time being of the said Island.

XXII. And be it further Enacted, That in case any person applying for a certificate for a license shall be hindered, through sickness or infirmity, or any other reasonable cause, to attend in person at the general meeting of the Justices of the Peace, it shall be lawful for such Justices of the Peace to certify in favour of such person, upon Three sufficient and approved sureties as aforesaid entering into such recognizance, with such condition as before referred to, each surety in the penalty of Fifty pounds for performance of the condition of the said recognizance; and which said recognizance shall be entered into in the presence of the majority of the Justices then assembled, and be signed by at least Two of such Justices.

XXIII. And be it further Enacted, That all recognizances, with their conditions, shall be by the clerk of the peace or his deputy entered or filed amongst the records of the sessions of the peace; and in the event of any recognizances being entered into or taken at a time when the clerk of the peace or his deputy is not present, the Justice of the Peace who may be the chairman of the meeting at which the same may have been taken, shall forthwith send or return them to the clerk of the peace for the purposes aforesaid.

XXIV. And be it further Enacted, That every licensed person who shall be lawfully convicted of any offence against the tenor of any license granted under this Act, or against the condition of the recognizance hereby required to be entered into by such licensed person, shall for every such offence forfeit and undergo the several penalties and punishments and disabilities hereinafter mentioned and provided in that behalf; (that is to say,) for the first offence, a sum not exceeding Ten pounds sterling, with the costs and expenses of convicting such offender; and in case the said penalty costs and expenses shall not be paid within Fourteen days next after such conviction, that then the offender shall suffer imprisonment for Two months in one of His Majesty's gaols, unless he or she shall sooner pay such penalty costs and expenses; and for the second offence, a sum not exceeding Twenty pounds sterling, with the costs and expenses of convicting such offender; and in case such penalty costs and expenses shall not be paid within Seven days next after such second conviction, that then the offender shall suffer imprisonment for Four months in one of such gaols as aforesaid; unless he or she shall sooner pay such second penalty costs and expenses; and for the third offence against the tenor of such license or recognizance, it shall be lawful for any one Justice of the Peace, and it is hereby required of him, upon complaint or information on oath that such licensed person hath committed such third offence, to issue a summons under his hand and seal, requiring such person so complained of or informed against for such last-mentioned offence, to appear at the next general or quarter sessions of the peace which may be held in that division of the Island within which the offender resides, then and there to answer to the matter of such complaint or information, and also to bind the person or persons who shall make such complaint or information, or any other person or persons, in a recognizance to appear at such general or quarter session, and give evidence against such person so complained of or informed against; and the Justices of the Peace, in their said general or quarter sessions of the peace, shall inquire of the misdemeanor charged in the said last-mentioned complaint or information, and if they shall find that the person so complained of or informed against hath committed any Act against the tenor of the said recognizance, such Act being specified in the said complaint or information, and such person so complained of or informed against having been twice previously convicted for offences against the tenor of the said license and recognizance, it shall and may be lawful for the court, at such general or quarter sessions, to adjudge such person guilty of a third offence against the tenor of and a breach of the said recognizance, which adjudication shall be final to all intents and purposes; and thereupon the said Justices shall have power and authority to punish the party so to be convicted by fine, not exceeding the sum of One hundred pounds sterling, or at the discretion of the said court to declare the said recognizance so entered into by the said offender to be forfeited, or immediately to adjudge the license or authority granted to such offender to be forfeited and void, and thereupon such license shall from thenceforth be void accordingly; and the said person, the condition of whose recognizance shall be so adjudged to be broken and forfeited, shall, from and after such last-mentioned adjudication, be utterly disabled to sell ale, beer or other malt liquors, or any spirituous liquor whatever, for Three years, to be computed from the time of the offence committed, for which such adjudication shall be pronounced.

Provided always, That no recognizance under this Act shall be declared to be forfeited unless upon being directed so to be by the said court of general or quarter sessions, upon such third conviction as aforesaid; and provided also, That if such licensed person or persons so complained of or informed against for such last-mentioned offence, shall not appear at the next general or quarter sessions of the peace, pursuant to the summons, it shall and may be lawful for the Justices, in their general or quarter sessions assembled, on proof of the service of such summons, to inquire into the matter alleged, and on proof thereof to proceed against the person or persons so summoned, and not appearing in the same manner as if such person or persons had appeared, pursuant to his her or their recognizance.

XXV. Provided

XXV. Provided always, and it is hereby Declared and Enacted, That on every such inquiry so directed to be made as last aforesaid, the production of the recognizance entered into by the party complained against, or by his or her sureties, and filed with the clerk of the peace or person acting as such, shall be sufficient evidence of the fact of such party so complained against being a licensed victualler: Provided always, That if the court, on inquiring into the matter of such complaint or information, shall adjudge the party so complained of not guilty of the offence so laid to his or her charge, or if on adjudging the offender guilty, the court shall also adjudge him or her to be punished by fine, or by declaring the recognizance to be forfeited, instead of vacating the license of such offender as aforesaid, the party so holding or possessing such license shall nevertheless, after such adjudication of not guilty or punishment by fine, on an adjudication of guilty be liable to the same punishment and disability as any other licensed victualler who shall have been twice convicted of offences against the condition of his or her recognizance on any subsequent complaint or information, and inquiry thereon, at such court of sessions for any offence in breach of such recognizance and license.

XXVI. And be it further Enacted, That it shall and may be lawful to and for Two Justices of the Peace acting in and for that division of the Island within which any offence against the tenor of any license granted under this Act, or against the condition of the recognizance hereby required to be entered into by any licensed person, shall be committed, to hear and determine the same offence in a summary way; which same Justices of the Peace are hereby authorized and required, upon any information exhibited or complaint made in that behalf to or before them, to summon the party or parties accused, and also the witnesses on either side, (if they shall be required to summon any such witnesses,) and upon the appearance or contempt of the party or parties accused by not appearing, to proceed to examine and hear the matter in a summary way, and also to examine such witnesses upon oath as shall be produced therein (which oath the said Justices are hereby empowered to give and administer,) and to give their judgment thereon; and in case they shall convict the party or parties so accused or complained against of the offence laid to his her or their charge, and such party or parties so convicted shall refuse or neglect to pay the penalty or penalties for which he she or they shall stand convicted within the time hereinbefore mentioned for that purpose, together with the costs of such conviction or convictions, to be assessed settled and ascertained by the said Justices, that then and in every such case it shall and may be lawful for such Justices, and they are hereby authorized and required to issue their warrant or warrants, under their hands and seals, for the apprehending and committing to the common gaol as aforesaid every such offender, for such time and in such manner as the nature of the offence shall require, according to the provisions and the true intent and meaning of this Act.

XXVII. And be it further Enacted, That if any licensed publican shall die before the expiration of his or her license, or if he or she, or his or her executors or administrators, shall quit the premises mentioned in the license, and go and reside elsewhere for the space of one month, or such premises shall become empty or unoccupied, it shall be lawful for the Justices of the Peace assembled at any special meeting to be convened by public notice, under the hand of the clerk of the peace, and published in some or one of the public papers at least Fourteen days previous to such special meeting, to certify in favour of the executors or administrators of the deceased, or of any new tenant or occupier receiving a license, so as the person or persons applying for the same shall produce such certificate, and enter into such recognizance, with such sureties as hereinbefore mentioned, and upon the same terms.

XXVIII. And be it further Enacted, That the Justices of the Peace specially assembled for the purpose, shall have power to certify in favour of the transfer of such license to the appointee of the owner thereof; such appointee producing the like certificate, and entering into all the engagements which the original party obtaining the same is by this Act bound to produce or enter into, and upon the same terms.

XXIX. And be it further Enacted, That it shall be lawful for any Justice of the Peace, either alone or attended by constables or other officers, to demand entrance into any licensed public-house at any hour, by day or by night; and if admittance be refused or wilfully delayed, the license of such house shall be forfeited upon

conviction before any Two magistrates, and no license shall again be granted to any person who shall be so convicted.

XXX. And be it further Enacted, That no licensed publican shall take or receive from any person whatever in payment, or as a pledge, or in barter or exchange, for liquor or for any entertainment whatever supplied by him or her, for any matter or thing whatsoever, except the current coin or paper money of the Island, on pain of forfeiting for the first offence the sum of Twenty pounds sterling, together with the costs of prosecution and conviction, and of the execution of such conviction; one moiety or half part of which sum of Twenty pounds shall be to and for the use of His Majesty, His heirs and successors, and the other moiety or half part thereof to and for the use of him her or them who shall inform or sue for the same; and in case of a conviction for a second offence, such publican shall immediately thereupon forfeit and be deprived of his or her license: Provided nevertheless, nothing hereinbefore contained shall prevent any licensed victualler from receiving in payments or by way of barter or exchange, from known housekeepers, any live stock, wheat or other grain.

XXXI. And be it further Enacted, That no licensed publican shall recover any money debt or demand on account of spirituous liquors, unless it shall *bond fide* have been contracted at one time to the amount of Twenty shillings sterling or upwards; nor shall any particular article in any account for spirituous liquors be allowed, where the liquors delivered at one time shall not amount to the full sum of Twenty shillings sterling.

XXXII. And be it further Enacted, That it shall be lawful for any Two Justices of the Peace to certify their approbation of the grant or transfer of any license for selling ale, beer and other malt liquors, wine, cider, ginger-beer, brandy, rum, gin, whiskey, cordials, or any other strong fermented or spirituous liquors, by retail, to be drunk in any canteen, to any person applying for the same, who shall hold such canteen under any lease thereof, or any agreement or other authority from the Colonial Government, without regard to the time of year, or any certificates or other matters or things specified or required in relation to the applying for or granting any such license, any thing in this Act to the contrary notwithstanding; and the Colonial Treasurer of the said Island may and shall grant and deliver to such person a license for selling ale, beer and other malt liquors, wine, cider, ginger-beer, brandy, rum, gin, whiskey, cordials, or any other strong fermented or spirituous liquors by retail, to be drunk or consumed in such canteen; and every person holding such canteen under any such lease agreement or authority as aforesaid, and having such license as aforesaid, may keep such canteen and utter and sell therein, and in the premises thereunto belonging, and not elsewhere, victuals and all such ale, beer, and other malt liquors, wine, cider, ginger-beer, brandy, rum, gin, whiskey, cordials, or any other strong fermented or spirituous liquors as he or she shall be licensed and empowered to sell under the authority and permission of any such license as aforesaid, without being subject to any penalty or forfeiture.

XXXIII. And be it further Enacted, That as well for the purpose of recovering and enforcing the payment of any pecuniary fines, penalties, forfeitures or rewards, imposed created or given by this Act, and not herein or hereby specially and fully or sufficiently provided for, as for facilitating the conviction of offenders against this Act or any of the provisions thereof not already provided for, it shall and may be lawful to and for Two Justices of the Peace to hear and determine, in a summary way, every offence by whomsoever and wheresoever committed against this Act, or any of the provisions thereof, for the hearing and determination of which no provision hath yet been made by this Act; which same Justices of the Peace are hereby authorized and required, upon any information exhibited or complaint made in that behalf to or before them, to summon the party or parties accused, and also the witnesses on either side, (if they shall be required to summon any witnesses;) and upon the appearance or contempt of the party or parties accused by not appearing, to proceed to examine and hear the matter in a summary way, and also to examine such witnesses upon oath as shall be produced therein, (which oath the said Justices are hereby empowered to give and administer,) and to give their judgment thereon; and in case they shall convict the party or parties so accused or complained against of the offence laid to his her or their charge, and such party or parties so convicted shall refuse or neglect to pay the penalty or penalties for which he she or they shall stand convicted, together with the costs of such conviction, to be assessed settled and

and ascertained by the said Justices, upon demand made thereof at any time after the said conviction shall be had, that then and in every such case it shall and may be lawful for such Justices or any One of them, and they and he are and is hereby authorized and required to cause the penalty or penalties and costs to be levied by distress and sale of the goods and chattels of such offender or offenders by warrant under the hands and seals or hand and seal of such Justices or Justice, and the overplus, after deducting the charges of such distress and sale, to be rendered to the said offender or offenders; and if no sufficient distress shall be found whereon to levy as aforesaid, then the said Justices or Justice of the Peace shall and may commit every offender so convicted as aforesaid to one of His Majesty's gaols for any time not exceeding Six calendar months; and such Justices are hereby respectively authorized and required to take cognizance of, and hear and determine all other informations or complaints laid or made against all and every persons and person whomsoever for any offence against this Act, or any of the provisions thereof, and proceed therein to conviction, and, if necessary, to distress, sale and imprisonment, in the same way and manner in all respects as herein lastly expressed, for which provision may not have been hereinbefore fully or sufficiently made.

XXXIV. And be it further Enacted, That if any person shall be summoned as a witness to give evidence before any Justice or Justices of the Peace or court of sessions, touching any of the matters mentioned or referred to in or by this Act, or incidental to the same, either on the part of the prosecutor, or informer, or complainant, or of the person or persons accused, informed or complained against, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his or her neglect or refusal, to be allowed of by such Justices of the Peace or court of session, or appearing shall refuse to be examined on oath and give evidence before such Justices of the Peace, or the court before whom the prosecution, information or complaint shall be depending, then every such person shall for every such offence forfeit and pay the sum of Ten pounds sterling to and for the use of His Majesty, His heirs and successors.

XXXV. And be it further Enacted, That if any person or persons shall think himself herself or themselves aggrieved by the judgment or conviction of any Justice or Justices of the Peace for any offence against this Act, for the commission of which a pecuniary penalty is annexed, and shall give security to the satisfaction of such Justice or Justices of the Peace for the payment of the penalty, costs and expenses to be expressed in the said conviction; within Twenty-four hours after the same shall be made, that then and in every such case after such security given, and not otherwise, it shall and may be lawful to and for such offender or offenders to appeal from and against such conviction or convictions to the Justices of the Peace assembled at the next general or quarter sessions, unless such sessions shall be held within Six days or less next after such conviction or convictions shall be so had or made, and in that case to the Justices of the Peace to be assembled at the next sessions after such first-mentioned sessions, and not afterwards; and that the Justices of the Peace assembled at such sessions shall thereupon proceed to hear and determine the matter of every such appeal, and their judgment thereon shall be final and conclusive to all intents and purposes whatsoever; and the Justices of the Peace so assembled at such sessions are hereby authorized and required to award such costs as to them shall appear just and reasonable to be paid by either party, not exceeding in the whole the sum of Ten pounds sterling on any one appeal.

XXXVI. And in order to prevent frivolous and vexatious appeal: Be it further Enacted, That a conviction in the form or to the effect of the form, *mutatis mutandis*, (as the case shall happen to be,) prescribed by the Schedule to this Act marked (E.), shall be good and effectual to all intents and purposes whatsoever, without stating the case, or the facts, or evidence in any more particular manner.

XXXVII. And be it further Enacted, That on every such conviction so to be had or made as aforesaid, the Justices of the Peace before whom the same shall be made, shall return the same to the next quarter sessions of the peace to be holden for the Island of Van Diemen's Land, and the record of such conviction shall, unless the same shall be afterwards quashed on appeal as hereinbefore directed, be evidence against the party thereby convicted in any prosecution to be instituted against him her or them for another offence of the like nature, if such evidence should on that occasion be requisite; and the clerk of the peace to whom such convictions shall be returned shall immediately on such return, if the same shall relate to a licensed publican,

publican, make or cause to be made a memorandum or entry of such conviction in a calendar or register, which he is hereby directed to keep, of the names and places of abode of the several persons so licensed as aforesaid, and shall in every such entry state whether such conviction be the first or second or other subsequent conviction of the offending party; if the offence be of such a nature as on a repetition of it renders the offender liable to a heavier penalty or punishment.

XXXVIII. And be it further Enacted, That all Justices of the Peace shall be and are hereby indemnified, freed and discharged from and against all penalties, forfeitures, damages and liabilities in respect or on account of licenses granted to publicans or others for the sale of malt liquor or spirits from the Twenty-ninth day of September now last past to the Twenty-ninth day of this present month of September, or of any act or proceeding done or had in regard thereto, or to the persons receiving the same licenses.

XXXIX. And be it further Enacted, That all monies arising to His Majesty, His heirs and successors, under and by virtue of this Act, or in pursuance of any proceeding had in prosecution of any act or thing herein or hereby directed to be done or performed, shall be and the same are hereby reserved to His Majesty, His heirs and successors, for the public uses of the said Island of Van Diemen's Land and the support of the government thereof, and go to and be applied in aid of the Colonial Fund of said Island accordingly.

XL. And be it further Enacted, That this Act shall continue and be in force for the term of Two years from and after the making hereof, and no longer.

GEORGE ARTHUR.

Passed the Council this 7th day of
September 1826.

John Montagu, Clerk of the Council.

SCHEDULE (A.)

Form of Householders' Certificate.

TO the Worshipful the Justices of the Peace acting in and for the Buckinghamshire [*or Cornwall*] Division of the Island of Van Diemen's Land.

We, the undersigned, *A. B.* of *C. D.*
of *E. F.* of *being*
severally householders, do hereby certify, That *T. B.* of *is well*
known to us as a person of good fame and of sober life and habits, and as a fit
and proper person to be entrusted with a license to keep a public-house.—Witness
our hands.

A. B. C. D. E. F.

SCHEDULE (B.)

Form of Recognizance.

Van Diemen's Land. AT a general meeting of His Majesty's Justices of the Peace acting in and for the Buckinghamshire [*or Cornwall*] Division of the Island of Van Diemen's Land, holden at Hobart Town [*or Launceston*], on the Eighteenth day of September One thousand eight hundred and twenty pursuant to an Act of his Excellency the Lieutenant Governor, with the advice of the Legislative Council, made the Seventh day of September One thousand eight hundred and twenty-six, *T. B.* of acknowledges himself to be indebted to our Sovereign Lord the King in the sum of One hundred pounds; and *A. B.* of and *C. D.* of respectively acknowledge themselves to be indebted to our said Sovereign Lord the King in the sum of Fifty pounds apiece of lawful money of Great Britain, to be respectively levied off their several goods and chattels, land and tenements, to the use of our said Lord the King, His heirs and successors, by way of recognizance, upon condition, that if the said *T. B.* shall receive from the Colonial Treasurer of Van Diemen's Land a license to keep a common inn, ale-house, or victualling house, and to sell ale, beer, and other malt liquors, and wine, cider, ginger-beer, brandy, rum, gin, whiskey, cordials, and any

any other strong fermented or spirituous liquors, in the house wherein he [or she] now dwells being the sign of in the district of from the day of until the day of One thousand eight hundred and twenty , and do sell good and wholesome ale, beer, and other malt liquors, and also good and wholesome wine, cider, ginger-beer, gin, brandy, rum, whiskey, cordials, and other fermented or spirituous liquors, in full measure, and without fraudulently diluting or adulterating the same in his [or her] said house, and not knowingly permit any playing at cards, draughts, dice, bagatelle, or any other sedentary game in or on his [or her] house or premises, by any journeymen, labourers, servants or apprentices, or introduce or permit any bull-baiting, cock-fighting, or other such sport or amusement, on any part of his [or her] premises; nor get drunk, or permit any other person to get drunk in or on his [or her] house or premises; nor suffer any drunken person to enter the same without immediately removing him or her therefrom; nor permit any person to remain there tippling or drinking after the hour of Eight at night, or on Sunday at any hour, (always excepting moderate refreshment to *bonâ fide* travellers or inmates of the house;) nor open his [or her] house on Sunday for any other purpose than to receive *bonâ fide* travellers and regular customers, coming or sending between One and Three o'clock in the day, and between Six and Eight o'clock in the evening, to purchase malt liquor only, and immediately taking the same away; nor suffer any riot, fighting or other disorder, tumult or disturbance, to take place and be carried on, in or on the said house or premises; nor refuse to admit any magistrate, alone or attended by constables or officers, at any time, into any part of the said house or premises; nor in particular suffer any convict to remain in or on his [or her] house or premises on Sunday at any time, (except he or she should be travelling with a regular pass, or be in attendance upon his or her master or employer, or have the written authority or order of such master or employer, and be willing to show the same on demand,) or after Eight o'clock at night on any other day; nor conceal or harbour or assist in the escape of any runaway convict or other offender for whom search is making by the proper authorities, or obstruct, let or hinder any magistrate, constable, or other person making such search; nor have any tap or tap-room or bar or drinking-room in any yard or garden belonging to the house or in any place separate or detached from the house, or having any other entrance thereto than the house itself hath, and such entrance to the house being but one, and that by a door in the front thereof, without any wall or close fence before or about it, so as to prevent the same or the persons entering or leaving the house from being seen by all passengers, and [*to be inserted when used for public-houses in Hobart Town and Launceston, or within two miles of either of those towns*], shall keep one lamp well trimmed and a-light, opposite the entrance door in the front thereof, and in a line with the street fence, and Ten feet from the ground throughout the whole of the year, from sunset to sunrise, then this obligation to be void, or else to remain in full force.

SCHEDULE (C.)

Form of Certificate of the Justices.

Van Diemen's Land. } AT a general meeting of His Majesty's Justices of the Peace acting in and for the Buckinghamshire [or Cornwall] Division of the Island of Van Diemen's Land, holden at Hobart Town [or Launceston] on the Eighteenth day of September One thousand eight hundred and twenty , pursuant to an Act of his Excellency the Lieutenant Governor, with the advice of the Legislative Council, made the Seventh day of September One thousand eight hundred and twenty-six: These are to certify, That we have received a certificate, signed by *A. B.* of *C. D.* of and *E. F.* of (being severally householders) setting forth that *T. B.* of is well known to them as a person of good fame, and of sober life and habits, and as a fit and proper person to be entrusted with a license to keep a public-house, and we have taken from the said *T. B.* and *A. B.* of and *C. D.* of his sureties or recognizance, in the form prescribed in the said Act, and do approve of his receiving a license for the sale of ale, beer and other malt liquors, and wine, cider, ginger-beer, brandy, rum, gin, whiskey, cordials and any other strong fermented or spirituous liquors.

G. H. J. K.

SCHEDULE (D.)

Form of License.

WHEREAS, *T. B.* of hath deposited in my office a Certificate from the Justices of the Peace assembled at Hobart Town [*or* Launceston] on the day of approving of his [*or* her] holding a license for the sale of ale, beer and other malt liquors, and wine, cider, ginger-beer, gin, rum, brandy, whiskey, cordials and any other strong fermented or spirituous liquors; and the said *T. B.* hath also paid into my office the sum of Twenty-five pounds sterling, being the amount provided in that behalf by an Act of His Excellency the Lieutenant Governor, with the advice of the Legislative Council of this Island: Therefore the said *T. B.* is hereby licensed to keep a common inn, ale-house or victualling-house, and to sell in the house in which he [*or* she] now dwelleth, in street in or at [*name the place or district*] being the sign of and not elsewhere, ale, beer and other malt liquors, and wine, cider, ginger-beer, brandy, rum, gin, whiskey, cordials and any other strong fermented or spirituous liquors; provided good order and rule be maintained and kept in the said house, pursuant to the condition of the recognizance entered into by the said *T. B.* and his sureties in that behalf, and the Act under which this license is granted be in all respects observed. And this license is to continue in force from the date hereof, until the day of One thousand eight hundred and twenty and no longer.

J. T.

Colonial Treasurer of Van Diemen's Land.

SCHEDULE (E.)

Form of Conviction.

Van Diemen's } BE it Remembered, That on this day of in the year
Land. } One thousand eight hundred and twenty *T. B.* of
was duly convicted before us, *A. B.* and *C. D.* esquires, Two of His Majesty's Justices of the Peace in and for Van Diemen's Land and its Dependencies of
[*state the offence, showing it to be one within the Act, and, if necessary, whether the first, second or third offence,*] whereby he hath forfeited the sum of pounds sterling, besides the costs and expenses of this conviction; which costs and expenses we, the said Justices of the Peace, do hereby ascertain and assess at the sum of pursuant to the law or ordinance in such case made and provided.

Given under our hands and seals the day and year above written.

Anno Septimo GEORGII IV. REGIS. No. 3.

By His Excellency Colonel *George Arthur*, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice of the Legislative Council.

AN ACT to promote the Circulation of Sterling Money of Great Britain, and to reduce to Sterling Denomination all Securities, Contracts and Agreements for the Payment of Money, and also to regulate the making and issuing of Promissory Notes and Bills of Exchange within the Island of Van Diemen's Land and its Dependencies.

WHEREAS, by an Act of his Excellency Sir Thomas Brisbane, the late Governor of the Colony of New South Wales, with the advice of the Council, passed on the Twenty-eighth day of September One thousand eight hundred and twenty-four, intituled, "An Act to make Promissory Notes and Bills of Exchange payable in Spanish Dollars, available as if such Notes and Bills had been drawn payable in Sterling Money of the Realm;" It was Enacted, That all bills of exchange and promissory notes, payable in such dollars as aforesaid, should be holden in

in the courts of law of the said Colony and of the Dependencies thereof, to be valid, negotiable and transferable instruments ; and that the holders of the same, and all other persons interested therein, should have and be allowed in the said courts all such remedies in respect of their claims upon such bills and notes as aforesaid, as if the said bills and notes had been drawn payable in money of the realm :

And whereas it is expedient to promote and render more effectual the circulation of sterling money of Great Britain within the Island of Van Diemen's Land and its Dependencies, and also to reduce to sterling denomination all bills, notes and other securities and contracts and agreements for the payment of money ; and for that purpose to repeal the said recited Act in the manner hereinafter mentioned :

And whereas it is also expedient to prohibit, within the said Island and its Dependencies, the making and issuing of negotiable bills, notes, drafts, cheques, orders or undertakings in writing, for the payment of less than Twenty shillings sterling :

And whereas, by common usage, Spanish dollars have hitherto passed current within the said Island and its Dependencies as money, and have been generally paid and received at or for the sum of Five shillings each, as the nominal value thereof :

And whereas there is at present a deficiency in the quantity of British silver money in circulation within the said Island and its Dependencies :

And whereas the sum of Four shillings and four-pence sterling is equal or more than equal to one Spanish dollar :

I. Now therefore be it Enacted, by his Excellency the Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, that the said recited Act, so far as the same relates, or was intended to relate, to Van Diemen's Land and its Dependencies, shall be and the same is accordingly hereby repealed, save and except as to such bills of exchange and promissory notes as shall have been drawn and *bonâ fide* issued before the Ninth day of October now next ensuing.

II. And be it further Enacted, That from and after the Eighth day of October now next ensuing, as well all bills of exchange, promissory notes, drafts, cheques, orders and undertakings in writing whatsoever, being negotiable or transferable, as also all contracts and agreements whatsoever which shall be drawn and circulated, or issued or made and entered into, within the Island of Van Diemen's Land and its Dependencies, expressed to be for, or for the payment of, or to be payable in pounds, shillings or pence only, shall be deemed as and to be for pounds, shillings or pence sterling, which shall and may be sued for and recovered accordingly ; and that as well all bills of exchange, promissory notes, drafts, cheques, orders and undertakings in writing, whatsoever, being negotiable or transferable, as also all contracts and agreements whatsoever which, after the time herein lastly mentioned, shall be drawn and circulated or issued, or made and entered into, and shall be therein expressed to be for or for the payment of or to be payable in currency, current money, Spanish dollars, or any other foreign coin or money, other than money of sterling denomination, shall be and the same are accordingly hereby declared to be respectively null and void ; any law, custom or usage to the contrary thereof in anywise notwithstanding.

III. And be it further Enacted, That from and after the publication of this Act, Spanish dollars and the proportional parts thereof next hereinafter mentioned shall, within the said Island and its Dependencies, be and be deemed and taken to be money, and shall be and be deemed and taken respectively to be a legal tender for the payment of debts, and be respectively payable and received and taken in payment at or for the respective sums or rates following ; (that is to say) a Spanish dollar at Four shillings and four-pence sterling, the half of a Spanish dollar at Two shillings and two-pence sterling, the quarter of a Spanish dollar at One shilling and one penny sterling, and the one-eighth of a Spanish dollar at sixpence halfpenny sterling, and shall be respectively payable and received and taken in payment accordingly at those rates in payment and discharge of all debts and sums whatsoever which have been, or are, or shall hereafter be due or owing or contracted to be paid ; any thing hereinbefore contained to the contrary notwithstanding : And that

a tender and payment of Four shillings and four-pence of sterling money of Great Britain shall in like manner be and be deemed to be equivalent to the tender and payment of One Spanish dollar, and so in proportion for any greater or less amount, and shall be a discharge of any debt, duty or penalty which shall have been contracted to be paid or have been made payable, or directed to be received or levied in Spanish dollars; and that a tender and payment of Four shillings and four-pence of like sterling money, or of One Spanish dollar, shall be and be deemed to be equivalent to the tender and payment of Five shillings of such nominal or current money as aforesaid, and so in proportion for any greater or less amount, and shall be a discharge of any debt, duty or penalty which shall have been contracted to be paid, or have been made payable or directed to be received or levied in money at the rate of Five shillings for One Spanish dollar.

IV. And be it further Enacted, That British copper money shall be a legal tender or payment for its due proportion of British silver money as by law established in Great Britain: Provided always, That no person shall be compelled to take more than twelve-pence of copper money in one payment.

V. And be it further Enacted, That all bills of exchange, promissory notes, drafts, cheques, orders and undertakings in writing, being negotiable or transferable for the payment of any less sum of money than Twenty shillings sterling, which shall or may be made or drawn, or circulated or issued from and after the publication of this Act, shall be and the same are accordingly hereby declared to be absolutely void; any law, custom or usage to the contrary notwithstanding.

VI. And be it further Enacted, That if any person shall, from and after the publication of this Act, by any device, method or means whatsoever, make or draw or circulate or issue, or willingly aid or assist in the making or drawing or circulating or issuing any such bill of exchange, promissory note, draft, cheque, order or undertaking in writing as last aforesaid, for the payment of any less sum of money than Twenty shillings sterling, every such person shall forfeit and pay for every such offence a sum not exceeding Twenty pounds sterling, nor less than Five pounds sterling, at the discretion of the Justice or Justices of the Peace by whom such offence may be heard and determined.

VII. And in order to prevent doubts or litigation in respect of cases in which Spanish dollars have heretofore been paid and received or taken in payment as money; Be it and it is hereby Enacted and Declared, That in all cases in which Spanish dollars have heretofore been delivered or paid, and received or accepted in payment as money, such delivery or payment and receipt or acceptance shall be deemed and taken to have been a payment as money accordingly, to all intents and purposes whatsoever, and shall be and be deemed and taken to have been, to all intents and purposes whatsoever, a discharge to the person or persons by or for whom the same shall have been so delivered or paid for the amount or sum for which such dollars may have been delivered or paid and received or accepted.

VIII. And be it further Enacted, That all fines, penalties, and forfeitures imposed by this Act shall be recovered in a summary way before any Justice or Justices of the Peace, (whose decision, determination, order or adjudication shall, in every case, be final and conclusive to all intents and purposes whatsoever,) which fines, penalties and forfeitures shall be to and for the use of our Sovereign Lord the King, His heirs and successors, to whom the same are hereby reserved for the public uses of the said Island of Van Diemen's Land, and the support of the Government thereof, in aid of the Colonial Fund of such Island.

GEORGE ARTHUR.

Passed the Council this 22nd
day of September 1826.

John Montagu, Clerk of the Council.

Anno Octavo GEORGII IV. REGIS. No. 1.

By his Excellency Colonel *George Arthur*, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice of the Legislative Council.

AN ACT to explain and amend an Act of his Excellency the said Lieutenant Governor, with the Advice of the Legislative Council, passed on the Seventh Day of September One thousand eight hundred and twenty-six, entitled, "An Act for regulating the future Sale of Ale, Beer, Wine, Spirits, and other Liquors by Retail, in the Island of Van Diemen's Land and its Dependencies, and promoting good Order in Public-houses; and also for indemnifying the Justices of the Peace in respect of the Licenses granted on and since the last Licensing Day."

WHEREAS, by the said Act of the Seventh day of September One thousand eight hundred and twenty-six, it is enacted, that if any person shall sell, barter, exchange or retail certain liquors in a less quantity than Five gallons, without having first obtained a license in manner and form in the said Act mentioned, he or she shall forfeit and pay for every such offence the sum of Fifty pounds sterling:

And whereas doubts have arisen respecting the true construction of certain parts of the said Act, and difficulties have been experienced in the carrying of the provisions of the said Act into execution; for remedy wherein—

I. Be it Enacted, by his Excellency the said Lieutenant Governor, with the advice of the Legislative Council, That from and after the publication of this Act, upon information on oath being made before any Justice of the Peace by any constable or credible person, that he or she doth verily suspect and believe that ale, beer or other malt liquors, or wine, cider, ginger-beer, brandy, rum, gin, whiskey or other strong fermented or spirituous liquors is or are habitually sold or retailed in any particular unlicensed house or other unlicensed place, and such constable or other person shall in such information set forth and show reasonable grounds for such belief and suspicion, then and in such case it shall be lawful for such Justice in his discretion to grant his warrant to any chief or other constable to enter and search such particular house or other place, either by day or by night, which said constable shall and may break open the doors, if not opened within a reasonable time after demand, and seize all such malt or strong fermented or spirituous liquors as he shall there find, and the vessel or vessels in which such liquors shall be contained, and shall and may detain the same until the owner thereof shall appear before the said Justice to claim such liquors, and shall satisfy the said Justice how and for what purpose he became possessed of the same; and if it shall appear to the said Justice, after due inquiry and examination, that such liquors were in the said house or other place for the purpose of being illegally sold or disposed of by retail, then such justice shall cause the said liquors and the vessel or vessels containing the same to be forthwith staved and destroyed; but if otherwise, then such liquors and vessel or vessels shall be forthwith restored to the proper owner.

II. And be it further Enacted, That if any person shall from and after the publication of this Act permit or suffer to be sold, bartered, exchanged or retailed in or on his or her house, outhouse, yard, garden or other place, any ale, beer or other malt liquors, or wine, cider, ginger-beer, brandy, rum, gin, whiskey or other strong fermented or spirituous liquors, in a less quantity than Five gallons, without having first obtained a license in manner and form in and by the said Act prescribed, he or she shall for every such offence forfeit and pay the penalty or sum of Fifty pounds, such penalty to go and be distributed and be subject to the like remedies for recovering of the same, and the party charged with such offence to be proceeded against and to be entitled to such appeal, and the convicting magistrates to have the like power of mitigation of the penalty in such and the like manner and form as in and by the said Act, and also as hereinafter respectively provided, with respect to all other penalties in the said Act mentioned.

III. And be it further Enacted, That in all proceedings whatsoever against any person for illegally retailing or illegally permitting or suffering to be retailed without a license, such person shall, for all purposes connected with those pro-

ceedings, be deemed and taken to be unlicensed, unless he or she shall at the hearing of the case produce his or her license before and exhibit the same to the sitting magistrates, or shall then and there produce other satisfactory proof of his or her being a licensed person.

IV. And whereas cases may arise in which, from the character of the offender or the circumstances attending the offence, every proper object might be attained by the infliction of a mitigated penalty: Be it further Enacted, That in all cases of convictions for offences under this or the said Act, whether against publicans or other persons, it shall be lawful for the convicting Justices, and they are hereby empowered to mitigate the amount of the penalty by this or the said Act annexed to the particular offence, to any sum not less than Ten pounds: Provided, That in case of the conviction of any publican for an offence against the condition of his or her recognizance, the penalty by the said Act in that behalf prescribed may be by such Justices mitigated to a sum not less than Five shillings and costs, if they shall deem it expedient: And provided also, That in all cases of prosecutions under this or the said Act, the party informing or suing for the penalty shall be invariably entitled to one moiety of the amount of such penalty, whether mitigated or not.

V. And whereas it is by the Nineteenth clause or section of the said Act enacted, that no Justice of the Peace who shall be the trustee, manager or agent, of any owner or part owner of any house licensed or about to be licensed under the said Act, shall convict or join in any conviction, or otherwise act under the same: Be it therefore Enacted, That from and after the publication of this Act the words "trustee, manager or agent," in the said clause or section, shall not extend to or affect any such trustee, manager or agent, unless he shall in some manner be directly or indirectly beneficially interested in such house, or in the rents, issues or profits thereof, or the profits of the business to be carried on therein; any thing in the said Act to the contrary in anywise notwithstanding.

VI. And whereas, by the Twenty-ninth section of the said Act, certain powers and authorities with respect to admittance into licensed houses are conferred upon Justices of the Peace: Be it further Enacted, That from and after the publication of this Act, all and singular the same powers and authorities shall and may be likewise exercised by the chief constable, and by any chief constable of the district in which any such licensed house may be situated, and that if admittance into such house be refused or wilfully delayed, the license thereof shall upon conviction before any Two Justices be forfeited.

VII. And be it further Enacted, That in all cases of convictions for any offence against this or the said Act, either by publicans or others, which shall from and after the publication of this Act be committed, the penalty awarded, together with the assessed costs and expenses, shall always be payable immediately, and that no demand thereof shall be at any time necessary; and that if the full amount of such penalty, costs and charges be not paid into the hands of one of the convicting magistrates within One week after the conviction, the same may either be levied by distress and sale of the party's goods, or he or she may by any Justice of the Peace be committed by warrant to one of his Majesty's gaols, there to remain until payment of the full amount of such penalty, costs and expenses be made, or by both distress and sale and committal, at the discretion of the magistrate, until the whole penalty, costs and expenses be satisfied.

VIII. And in order effectually to prevent frivolous and vexatious appeals, and appeals for delay only: Be it further Enacted, that in all cases of convictions for any offence against this or the said Act, which shall from and after the publication of this Act be committed, no appeal whatsoever from any such conviction shall be received until the party or parties convicted shall pay down into the hands of one of the convicting magistrates the full amount of the penalty awarded against him, together with the assessed costs and expenses to be by him retained, one moiety for the use of his Majesty, and the other moiety for the use of the prosecutor or informer, in case such conviction should be affirmed; but the whole to be returned to the party if such conviction should on appeal be quashed; and if such amount be so paid within Twenty-four hours next after the conviction, then such appeal as in the said Act is in that behalf mentioned shall be received, but not otherwise; and, on the contrary, such conviction shall then become and be final and conclusive, and no appeal or certiorari shall be afterwards allowed.

IX. And

IX. And be it further Enacted, That the form of conviction prescribed in and by Schedule (E.) of the said Act shall in all cases under this or the said Act be good, valid and effectual to all intents and purposes whatsoever, without setting forth or stating therein the name of the informer, or that an information was exhibited, or stating the name of any witness, or the particular place where the offence was committed, or whether the party accused appeared, or was or was not summoned, and without stating the evidence, or stating the case or the facts any further or otherwise than shall be necessary to show that the offence was one within the terms of the Act, or the intent and meaning thereof; and no conviction shall be quashed for any error or mistake in any name or date, or matter of description only, or for any other mere error or mistake whatsoever; but that in all cases regard shall be had to the substantial merits and justice of the case only.

X. And be it further Enacted, That from and after the publication of this Act, in all cases whatsoever of proceeding for offences against this or the said Act, whether against publicans or other persons, any one Justice of the Peace shall be competent to receive the original information or complaint, and to issue all necessary or usual summonses and warrants thereupon, requiring the party or parties, or any witness or witnesses to appear before any two Justices of the Peace, and that the matter or merits of every such information or complaint may be examined into, heard and determined, and the party or parties be convicted by any two Justices of the Peace accordingly, neither of whom need be the Justice before whom such information or complaint was exhibited, and that upon or after such conviction or other adjudication, all warrants and other proceedings to enforce obedience thereto, or otherwise, may be issued by and had or taken before any one Justice, whether he were or were not one of the magistrates so adjudicating; and that in proceedings against publicans under this or the said Act, it shall in no case be necessary or requisite that either of the Justices shall be a Justice acting in or for the division of the Island within which the offence was committed; any thing in the Twenty-sixth clause or section or any other clause or section of the said Act in anywise notwithstanding.

GEORGE ARTHUR.

Passed the Council, this 15th
day of September 1827.

John Montagu, Clerk of the Council.

Anno Octavo GEORGII IV. REGIS. No. 2.

By his Excellency Colonel *George Arthur*, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice of the Legislative Council.

AN ACT to regulate the Printing and Publishing of Newspapers, and for the Prevention of blasphemous and seditious Libels.

WHEREAS the original settlement of and in this Island was made and formed for the reception of transported offenders, and the Government then established and since continued therein was so established and has been so continued for the efficient employment and due discipline and control of such offenders:

And whereas the number of such offenders now within the Island under sentence or order of transportation exceeds in a very large proportion that of the inhabitants who have voluntarily emigrated hither; and the due management and discipline of all those offenders demand the utmost care and vigilance:

And whereas several newspapers have been printed and published within this Island, at different times, and from time to time since the said original or first settlement therein:

And whereas previously to the Eighth day of October in the year One thousand eight hundred and twenty-four, no matter was printed and published in any such newspaper, without the consent of the Lieutenant Governors (or other officers for the time being administering the government) first had and obtained, to whom it was the practice to submit for their approbation or rejection all matters intended to

be printed and published in any such newspaper previously to the printing and publication thereof; but on the said Eighth day of October that practice was discontinued, and has never since been resumed, and the same cannot by law be insisted on :

And whereas, subsequently to that period several matters have been printed and published in newspapers printed and circulated within this Island, calculated to diminish the due authority of the Government over such transported offenders, and over other His Majesty's subjects here resident, and tending to bring the Government and the administration of the government as by law established into public hatred and contempt; and the printing and publishing of such matters in such newspapers have, notwithstanding various instances of prosecution and punishment by law, been from time to time continued, to the endangering of the public peace and the disturbance of the harmony and good order of society :

For remedy wherein, and for the prevention of the printing and publishing of blasphemous and seditious libels, and also for the prevention of the mischiefs which may arise from the printing and publishing of newspapers by persons unknown :

I. Be it Enacted, by his Excellency the Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That on and from and after the Fifteenth day of October in the present year, no person shall print or publish, or cause to be printed or published, within the said Island or any dependency thereof, any newspaper, without having obtained such license in that behalf as is hereinafter mentioned.

II. And be it further Enacted, by the authority and with the advice aforesaid, That every paper commonly called or serving the purpose of a newspaper, and every paper and pamphlet either in the whole or in part containing public news or intelligence or occurrences, or any remarks or observations thereon, or upon any act, measure or order of Government, or upon any matter of Government, and which shall be published periodically, or in parts or numbers, at intervals not exceeding Ninety days between the publication of any Two such papers or pamphlets, or parts or numbers, (where any of the said papers or pamphlets or parts or numbers shall not exceed Three sheets of paper,) shall be deemed and taken to be a newspaper, within the true intent and meaning of this Act.

III. And be it further Enacted, by the authority and with the advice aforesaid, That no quantity of paper less than a quantity equal to Thirty-one inches in length and Twenty-two inches in breadth, in whatever way or form the same may be made, or may be divided into leaves, or in whatever way the same may be printed or published, shall be deemed or taken to be a sheet of paper, within the meaning of this Act, and that no cover or blank leaf shall, for the purposes of this Act, be deemed or taken to be a part of any such newspaper, paper or pamphlet, or part or number as aforesaid.

IV. And be it further Enacted, by the authority and with the advice aforesaid, That every such license as aforesaid shall be in writing, and shall be granted by the Governor or Lieutenant Governor of the said Island, if he shall think fit to grant the same, and shall be signed by the Colonial Secretary.

V. And in order to avoid the use of numerous terms and expressions in this Act, and to prevent misconstruction of the terms and expressions used herein: Be it further Enacted, That whenever the terms "Governor" or "Lieutenant Governor" shall occur in this Act, the same shall be construed to mean the Governor or Lieutenant Governor, or other person lawfully administering the government of this Island, for the time being: That the term "Colonial Secretary" and all other terms used herein, descriptive of any public officer, shall be construed to mean the Colonial Secretary or public officer mentioned, or the person acting as Colonial Secretary or as such other public officer for the time being: That the terms "publish" and "publisher" shall be construed respectively to mean only the first or original publishing and the first or original publisher of any newspaper: That the terms "print" and "publish," and the terms "sell" "retail" and "circulate," shall respectively be construed to mean, print or publish, or cause or procure to be printed or published, or to mean respectively, sell, retail or circulate, or cause or procure to be sold, retailed or circulated (as the case may be): That the term "this Island" shall be construed to mean the Island of Van Diemen's Land and the Dependencies thereof: That the term "printing-office" shall be construed to mean the

the house or place where the newspaper referred to in the sentence shall be printed, or where the last affidavit, to be delivered as hereinafter is mentioned, shall specify that the same is intended to be printed: And that the terms "affidavit" and "affirmation" respectively shall be alike construed to mean One affidavit or affirmation, if only One be necessary, and Two or more affidavits or affirmations, if more than One be in the particular sentence required or intended.

VI. And be it further Enacted, by the authority and with the advice aforesaid, That every license to print or publish any such newspaper as aforesaid shall be made for and remain in force only during such time, not exceeding Twelve calendar months, as shall be therein expressed.

VII. Provided always, and it is hereby further Enacted, by the authority and with the advice aforesaid, That if at any time there shall be printed and published in any such newspaper any blasphemous libel, or any libel tending to bring into hatred or contempt His Majesty, His heirs or successors, or the Constitution or Government of the United Kingdom, or either House of Parliament; or the Government or administration of the government of this Island as by law established, or the Executive or Legislative Council thereof; or to excite any of His Majesty's subjects in this Island to insurrection, or to resist the Government thereof as by law established, or to excite them to attempt any alteration in the Government or the administration of the government, otherwise than by lawful means; and final judgment shall be had or obtained in the Supreme Court of Van Diemen's Land against the proprietor or printer or publisher of the same newspaper, for having composed or printed or published the same libel; then and in every such case, from and immediately after such judgment, all and every the licenses and license of and for the same newspaper theretofore subsisting shall become and be absolutely void.

VIII. Provided also, and be it and it is hereby further Enacted, by the authority and with the advice aforesaid, That if there shall at any time be printed and published in any such newspaper any libel tending to bring into hatred or contempt any lawfully constituted court in this Island, or any judge thereof, or any member of the Executive or Legislative Council, for any judgment given or any lawful act or measure done or advised by him in the discharge of the duties of his office; or any libel upon any public officer whatsoever for any lawful act or measure done or advised by him in the discharge of the duties of his office, (which said libel shall be also of a nature calculated to weaken the due authority of the Government, or to disturb the general good order and well being of society,) and final judgment shall be had or obtained in the said Supreme Court against the proprietor or printer or publisher of the same newspaper, for having composed or printed or published any such libel; then and in such case it shall be lawful for the Governor or Lieutenant Governor, by any order by him made by and with the advice of the Executive Council, to revoke all and every the licenses and license which shall or may have been granted of and for the same newspaper, and then from and immediately after a copy of the order of such revocation, signed by the clerk of the said Executive Council, shall have been left at the printing-office of the same newspaper, all and every such licenses and license of and for the same newspaper shall become and be absolutely null and void, and public notice of such order shall be also given in the then most usual manner of publishing Government orders or notices.

IX. And be it further Enacted, by the authority and with the advice aforesaid, That if any person shall print or publish or shall in any manner sell, vend, retail or circulate any such newspaper as aforesaid, or any impression or copy thereof, such licenses or license for the printing and publishing of the same newspaper as are and is required by this Act not having been first obtained, or (if obtained) having become void, or having been revoked in manner aforesaid, he or she shall forfeit and pay for every such offence the penalty or sum of One hundred pounds, over and above all other fines and penalties whatsoever imposed by this Act.

X. And be it further Enacted, by the authority and with the advice aforesaid, That every person applying for or desirous of obtaining any such license of or for any such newspaper as aforesaid shall, at or before the time of making such application, deliver to the Colonial Secretary at his office such affidavit or affirmation as is hereinafter in that behalf required to be so delivered; and that on and from and after the said Fifteenth day of October in the present year, no person shall print or publish

publish or have or receive a license to print or publish within this Island any such newspaper, until such affidavit or affirmation made and signed as hereinafter in that behalf mentioned, and containing the several matters and things hereinafter for that purpose specified, shall have been so made and signed and delivered.

XI. And be it further Enacted, by the authority and with the advice aforesaid, That in every such affidavit or affirmation shall be set forth in words at length the real and true names, additions, descriptions and places of abode respectively of all and every the persons and person who are and is intended to be the printers or printer and publishers or publisher of the newspaper required to be licensed, and of all the proprietors of the same, and a true description of the printing-office or house or place wherein any such newspaper is intended to be printed and published, and likewise the title of such newspaper.

XII. And be it further Enacted, by the authority and with the advice aforesaid, That every such affidavit or affirmation shall be in writing and signed by the person or persons making or affirming the same, and shall be taken by or made before the Colonial Secretary, who is hereby authorized to take such affidavits upon the oath or oaths of the person or persons making the same, and such affirmations in the case of persons commonly called Quakers; and such affidavit or affirmation shall be required from and be sworn or affirmed by all and every the printers or printer, and publishers or publisher, and proprietors or proprietor of the newspaper to which the same shall relate, who shall be adult, and resident within this Island.

XIII. And be it further Enacted, by the authority and with the advice aforesaid, That an affidavit or affirmation of or to the like purport and effect shall be in like manner made, signed and delivered, as often as either of the printers or publishers or proprietors named in any such affidavit or affirmation shall be changed, or shall change his or her place of abode or printing-office, and as often as the title of the newspaper shall be changed, and also as often as the Governor or Lieutenant Governor shall see cause for requiring such new or subsequent affidavit or affirmation, and shall give notice in writing, signed by the Colonial Secretary, that he doth require the same; such notice to be left at such printing-office as in the affidavit or affirmation last delivered is mentioned as the printing-office or place at which the newspaper to which such notice shall relate is printed.

XIV. And be it further Enacted, by the authority and with the advice aforesaid, That if any person shall print or publish, or shall knowingly and wilfully sell, retail or circulate any such newspaper as aforesaid, such affidavit or affirmation containing such matters as by this Act are in that behalf required, not having been duly signed, made and delivered when and as often as by this Act is required, he or she shall forfeit and pay for every such offence the penalty or sum of One hundred pounds.

XV. And be it further Enacted, by the authority and with the advice aforesaid, That if any person making such affidavit or affirmation as by this Act is required shall knowingly and wilfully insert or set forth therein the name or names, addition or additions, place or places of abode of any person as proprietor, printer or publisher of any newspaper or other such paper as aforesaid, to which such affidavit or affirmation relates, who is not a proprietor, printer or publisher thereof, or shall knowingly and wilfully omit to mention in such affidavit or affirmation the name or names, addition or additions and place or places of abode of any of the proprietors, printers or publishers thereof, contrary to the true meaning of this Act, or shall knowingly and wilfully in any other manner or respect set forth in such affidavit or affirmation any matter or thing by this Act required to be set forth, otherwise than according to the truth, or shall knowingly or wilfully omit to set forth therein, according to the truth, any matter or thing required by this Act to be therein set forth, every person so offending shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

XVI. And be it further Enacted, by the authority and with the advice aforesaid, That every such affidavit and affirmation as is hereinbefore required to be signed, sworn, affirmed and delivered, shall be filed and kept in the office of the Colonial Secretary, and the same or copies thereof, certified as hereinafter mentioned, shall respectively in all proceedings, civil and criminal, touching the newspaper to which the same shall relate, or touching any matter or thing contained in such newspaper, be received and admitted with respect to all the matters set forth in such affidavits

or

or affirmations, and by this Act required to be therein set forth, as conclusive evidence of the truth of those matters against every person who shall have signed and sworn or affirmed the same.

XVII. Provided always, and be it and it is hereby further Enacted, by the authority and with the advice aforesaid, That if any such person against whom any such affidavit or affirmation or any copy thereof shall be offered in evidence, shall prove that he or she hath signed and sworn or affirmed and delivered to the Colonial Secretary, previously to the day of the date of the newspaper to which such proceedings as last aforesaid shall relate, an affidavit or affirmation, that he or she hath ceased to be the printer or publisher or proprietor (as the case may be) of such newspaper as last aforesaid, such person shall not be deemed, by reason of any former affidavit or affirmation, to have been the printer or publisher or proprietor of such newspaper at any time after the day on which such last-mentioned affidavit or affirmation shall have been so delivered to the Colonial Secretary as last aforesaid.

XVIII. And be it further Enacted, by the authority and with the advice aforesaid, That in some part of every newspaper printed and published within this Island, there shall be legibly printed the true name and names, addition and additions, and place and places of abode of the printer and printers and publisher and publishers of the same, and also a true description of the printing-office or place where the same is printed; and if any person or persons shall print or publish any such newspaper as aforesaid, not containing all the particulars in this clause or section mentioned, he or she shall for every such offence forfeit and pay the penalty or sum of One hundred pounds, and proof made in manner herein mentioned, in any proceeding to recover the same, that the party proceeded against is a printer or publisher of a newspaper, or other such paper so printed or published as aforesaid, shall be deemed and taken to be proof that such party is a person wilfully and knowingly printing or publishing, or causing the same to be printed or published, unless he or she shall satisfactorily prove the contrary thereof.

XIX. And be it further Enacted, by the authority and with the advice aforesaid, That it shall not be necessary, after any such affidavit or affirmation or certified copy shall have been produced in evidence as aforesaid, against any person who signed and made the same, and after any such newspaper as aforesaid shall be produced in evidence, intituled in the same manner as the newspaper mentioned in such affidavit or affirmation or copy is intituled, and wherein the name or names of the printer or publisher, or printers or publishers, and the printing-office, shall be the same as the name or names of the printer or publisher, or printers or publishers, and the printing-office mentioned in such affidavit or affirmation, for the plaintiff in any action or prosecution upon any indictment or information, or for any person seeking to recover any penalty given by this Act, to prove that the newspaper to which the case relates was purchased or received at or had from any house, shop or place belonging to or occupied by the defendant, or by his or her servants or workmen, or was in any manner purchased or received or had from any such defendant, or his or her servants or agents or workmen or any of them.

XX. And be it further Enacted, by the authority and with the advice aforesaid, That service at the house or place mentioned in such affidavit or affirmation as aforesaid as the house or place at which such newspaper, to which any proceeding civil or criminal shall relate, is printed and published, or intended so to be, of any legal notice, summons, subpoena, rule, order or process, to for or against any printer, publisher or proprietor of such newspaper, shall be deemed to be good service respectively against every person named in such affidavit or affirmation as is aforesaid, as the printer or publisher or proprietor of the newspaper mentioned in such affidavit or affirmation.

XXI. Provided always, and be it further Enacted, That if any person shall have signed and sworn or affirmed and delivered to the Colonial Secretary, previously to the day of the date of the newspaper to which the case shall relate, an affidavit or affirmation that he or she hath ceased to be the printer or publisher or proprietor (as the case may be) of such newspaper, and shall make proof thereof, then such person shall not be deemed, by reason of any former affidavit or affirmation, to have been the printer or publisher or proprietor of such newspaper, at any time after the day on which such last-mentioned affidavit or affirmation shall have been delivered to the Colonial Secretary as last aforesaid.

XXII. And be it further Enacted, by the authority and with the advice aforesaid, That the Colonial Secretary, upon application made to him by any person requiring a copy, certified according to this Act, of any such affidavit or affirmation as aforesaid, in order that the same may be produced in or upon any civil or criminal proceeding, shall deliver to the person so applying for the same such certified copy, he or she paying for the same the sum of One shilling, and no more.

XXIII. And whereas in many cases it may be impossible or highly inconvenient for the Colonial Secretary to attend personally in order to prove upon any trial or other proceeding, the facts of the signing, swearing or affirming and delivering of any affidavit or affirmation, in the manner and form in and by this Act in that behalf respectively prescribed: Be it therefore hereby Enacted, by the authority and, with the advice aforesaid, That in all cases a copy of any such affidavit or affirmation, certified to be a true copy under the hand of the Colonial Secretary, in whose possession the same shall then be, shall, upon proof that such certificate was signed by such Colonial Secretary, be received in evidence as and shall be sufficient proof of the contents of such affidavit or affirmation, and that the same was duly signed and sworn or affirmed and delivered according to this Act; and such certified copy shall have the same effect for the purposes of evidence, to all intents and purposes whatsoever, as if the original affidavit or affirmation, of which it purports to be a copy, had been produced in evidence, and been in the ordinary manner proved to have been so signed and sworn or affirmed and delivered by the person or persons appearing by such copy to have sworn or affirmed the same as aforesaid.

XXIV. And be it further Enacted, by the authority and with the advice aforesaid, That on and from and after the said Fifteenth day of October, the printer or publisher of every such newspaper as aforesaid shall, upon every day upon which the same shall be published, or within Six days after, deliver to the Colonial Secretary, at his office, or to some person appointed by him, there to receive the same, One copy of the newspaper so published, signed by the printer or publisher thereof; with his name and place of abode; which newspaper shall be carefully kept by the said Secretary, or such other person so appointed as last aforesaid; for which said copies such printer or publisher shall be entitled to demand and receive from the Colonial Secretary, or such other person so to be appointed as aforesaid, once in every Three months, the amount of the ordinary price of the newspapers delivered during that period; and if the printer and publisher of any such newspaper as aforesaid shall neglect or omit to deliver one copy of such newspaper in the manner hereinbefore directed, such printer and publisher shall for every such offence forfeit and pay the penalty or sum of One hundred pounds.

XXV. And be it further Enacted, by the authority and with the advice aforesaid, That if any person shall make application to the Colonial Secretary, or other person so to be appointed as aforesaid, in order that any copy of any such newspaper, so signed as aforesaid, may be produced in evidence in or upon any proceeding civil or criminal, the said Secretary or other person shall, at the expense of the person so applying, at any time within Two years from the publication thereof, either cause the same newspaper to be produced at the time and place for which the same is so required, or shall deliver the same to the person so applying; he the said Colonial Secretary, or other person so appointed, taking, in his discretion, reasonable security, at the expense of the applicant, for the returning of the same newspaper to him within a reasonable time; and if, by reason of the same having been previously required by any other person for the like purpose, the said newspaper cannot then be so produced or delivered, then the Colonial Secretary, or the said other person so to be appointed, shall cause the same to be produced, or shall deliver the same so soon afterwards as he is or may be enabled so to do.

XXVI. And be it further Enacted, by the authority and with the advice aforesaid, That if any person or persons shall file any bill in any court of equity for the discovery of the names of the persons concerned in the property of any such newspaper as aforesaid, as the printers, editors or publishers thereof, or for the discovery of any matters relative to the printing or publishing thereof, in order to enable him or them the more effectually to bring or carry on any suit or action for damages by him or her alleged to have been sustained by reason of any libellous matter contained in any such newspaper, it shall not be lawful for any such defendant to plead or demur to such bill, but he or she shall be compellable to make the discovery thereby required: Provided nevertheless, That such discovery shall not be made

made use of as evidence or otherwise in any other proceeding than that for which the discovery is made.

XXVII. And be it further Enacted, by the authority and with the advice aforesaid, That on and after the said Fifteenth day of October, no person shall, within this Island, print or publish any such newspaper as aforesaid, until he or she shall have entered into a recognizance before the Chief Justice of the Supreme Court of Van Diemen's Land, together with two or three sufficient sureties, to the satisfaction of the said Chief Justice, the person intending to print or publish such newspaper in the sum of Four hundred pounds, and his or her sureties in a like sum in the whole; conditioned, that such printer or publisher shall pay to His Majesty, His heirs and successors, every such fine or penalty as may at any time be imposed upon or adjudged against him or her, by reason of any conviction for printing or publishing any blasphemous or seditious libel, at any time after the entering into such recognizance; and, that every person who shall print or publish any newspaper without having entered into such recognizance, with such sureties, shall for every such offence forfeit and pay the penalty or sum of Twenty pounds.

XXVIII. Provided always, and be it further Enacted, by the authority and with the advice aforesaid, That if any such surety or sureties shall be at any time desirous of withdrawing from such recognizance, it shall be lawful for him or them so to do, upon giving Twenty days' previous notice in writing to the Colonial Secretary, at his office, and also the like notice to the printer or publisher, for whom he or they is or are surety or sureties; and that in such case, from and after the expiration of the said Twenty days, every such surety shall cease to be liable upon the said recognizance for any fine or penalty to be imposed or incurred in respect of any offence which may, after the said expiration of the said Twenty days, be committed by such printer or publisher, and for which fine or penalty the said surety or sureties would otherwise have been liable: Provided, That the giving of such notices shall not be deemed or taken, even after such expiration of the said term of Twenty days, to exempt any such surety from his liability under the said recognizance for the payment of any fines and penalties which may have been incurred, or may be imposed, in respect of any offence or offences committed by such printer or publisher before such expiration of such term, and for the payment of which such surety would have been liable, in case such notice had not been given; any thing herein contained to the contrary notwithstanding.

XXIX. And be it further Enacted, by the authority and with the advice aforesaid, That after such notices so given as last aforesaid, and after the expiration of Twenty days from the day of the date of such notices, the person for whom any such surety shall have been bound shall not print or publish any such newspaper as aforesaid, until he or she shall have entered into a new recognizance with sufficient sureties in manner and to the amount aforesaid; and if he or she shall, at any time after the said expiration of the said Twenty days, print or publish any such newspaper without having entered into such new recognizance as aforesaid, he or she shall forfeit and pay for every such offence the penalty or sum of Twenty pounds.

XXX. And be it further Enacted, by the authority and with the advice aforesaid, That in case any surety in any such recognizance shall at any time afterwards be declared insolvent, under the provisions of a certain Act of Parliament, made and passed in the Fourth year of the reign of His present Majesty, intituled, "An Act to provide until the First day of July One thousand eight hundred and twenty-seven, and until the end of the next Session of Parliament, for the better Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto," or under any other law containing such or the like provision for declaring insolvencies, or shall be discharged under or by virtue of any law, made or to be made for the relief of insolvent debtors, then the person for whom such surety shall have been bound shall not print or publish any such newspaper until he or she (the said printer or publisher) shall have entered into a new recognizance with sufficient sureties, in the manner and to the amount aforesaid: Provided, That he or she shall be required so to do by the Governor or Lieutenant Governor, by a notice in writing, signed by the Colonial Secretary, and left at such place as is mentioned in the affidavit or affirmation last made, as the place at which the said newspaper,

Anno Octavo GEORGII IV. REGIS. No. 3.

By his Excellency Colonel *George Arthur*, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice of the Legislative Council.

AN ACT for imposing a Duty upon Newspapers, and upon all Licenses to print and publish the same.

WHEREAS it is expedient to provide a fund for defraying the charges of printing the public acts, proclamations, orders and notices of the Government of this Colony, by means of a stamp duty upon all newspapers and other papers and pamphlets containing public news or intelligence, or serving the purpose of a newspaper, printed within the Island of Van Diemen's Land, or any of the dependencies thereof, and upon all licenses for printing and publishing the same respectively :

I. Be it therefore Enacted, by his Excellency the Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That on and after the Fifteenth day of October in the present year there shall be levied, raised and paid to the use of His Majesty, His heirs and successors, for every sheet, half-sheet or other piece of paper, whereof any newspaper within the meaning of a certain law or ordinance, made by his Excellency Lieutenant Governor Arthur, with the advice of the Legislative Council, in the present year, intituled, "An Act to regulate the printing and publishing of Newspapers, and "for the prevention of blasphemous and seditious Libels," shall consist, and printed within this Island, or any dependency thereof, the sum of three-pence sterling; and for every license to any person or persons to print such newspaper, the sum of Twenty shillings; and for every license to any person or persons to publish such newspaper, the like sum of Twenty shillings.

II. And be it further Enacted, by the authority and with the advice aforesaid, That the duties hereby granted shall be under the care and management of the Colonial Treasurer or Acting Colonial Treasurer for the time being, who is hereby empowered and required to provide and use proper and sufficient stamps for expressing and denoting upon all such newspapers and licenses as aforesaid the said duties hereby granted thereon respectively, and to alter and renew such stamps from time to time as occasion shall require; and also, with the approbation of the Governor, or other person for the time being administering the government of this Colony, to employ such person or persons as shall be found necessary for the marking and stamping of such newspapers and other papers and licenses as aforesaid, and for effectually collecting and levying the duties hereby granted.

III. And be it further Enacted, by the authority and with the advice aforesaid, that before any such newspaper as aforesaid, to be printed on or after the said Fifteenth day of October, shall be printed, every sheet, half-sheet or other piece of paper upon which the same is intended to be printed shall be brought to the office of the Colonial Treasurer to be marked or stamped; and before any such license as aforesaid shall be valid, the paper or parchment upon which the same shall be written shall be brought to the said office for the like purpose; and the said Colonial Treasurer or Acting Colonial Treasurer, or such other person or persons as shall be employed in that behalf as aforesaid, shall, upon demand made thereof, and without fee or reward, stamp or mark such quantity or parcel of paper as shall be so brought, upon which such newspaper as aforesaid is intended to be printed, and also any paper or parchment which shall be so brought, whereon any such license as aforesaid shall be written, the person or persons bringing the same first paying the several duties hereby charged thereon respectively, and for which duties the respective stamps thereto belonging shall be a sufficient discharge.

IV. And be it further Enacted, by the authority and with the advice aforesaid, That if any person shall knowingly and wilfully print or publish, or cause to be printed or published, any such newspaper as aforesaid, the same not being printed upon paper duly stamped as aforesaid, he or she shall forfeit and pay, over and above all other penalties recoverable under and by virtue of this or any other Act, the sum of Twenty pounds for every such newspaper as aforesaid so printed upon paper

paper not duly stamped, and proof made according to the provisions of the law or ordinance hereinbefore mentioned, that the party proceeded against is a printer or publisher of such newspaper as aforesaid, which shall be so printed or published upon paper not duly stamped, shall, in any proceeding to recover the penalty hereby imposed, be deemed and taken to be proof that such party is a person wilfully and knowingly printing or publishing, or causing the same to be printed or published, contrary to the present provision of this Act, unless he or she shall satisfactorily prove the contrary thereof.

V. And be it further Enacted, by the authority and with the advice aforesaid, That if any person shall knowingly and wilfully take or receive into and keep in his or her custody any such newspaper as aforesaid, not duly stamped as aforesaid, such person shall forfeit for every such paper as aforesaid, not duly stamped, which he or she shall so take or receive into and keep in his or her custody, the sum of Twenty pounds.

VI. And be it further Enacted, by the authority and with the advice aforesaid, That on and after the said Fifteenth day of October all and every persons and person printing or publishing, or causing to be printed or published, or being concerned either as proprietors or proprietor, or otherwise, in printing or publishing, or causing to be printed or published, any such newspaper as aforesaid, upon paper not duly stamped as aforesaid, shall be deemed and taken to owe to His Majesty such sums as would have occurred to His Majesty in case the same had been printed upon paper duly stamped; and in case any information or bill shall be filed, or other proceeding shall be had on His Majesty's behalf for the discovery of the matters aforesaid, and on account and payment of such sums, it shall not be lawful for the defendant or defendants, on any account, to plead or demur to such information, bill or proceeding, but he she and they shall be compellable to make such discovery as is thereby required to be made: Provided nevertheless, That such discovery shall not be made use of as evidence or otherwise in any other proceeding than that in which the discovery is made.

VII. And be it further Enacted, by the authority and with the advice aforesaid, that the Colonial Treasurer, or Acting Colonial Treasurer, shall keep a separate and distinct account of all monies which shall be received into the Colonial Treasury in each and every year, for and in respect of the duties by this Act granted, or either of them, and that such monies shall be a yearly fund for the payment and discharge of all costs, charges and expenses which shall be incurred by the Government of this Colony for printing the public acts, proclamations, orders and notices thereof, during the current year within which such sum and sums of money respectively hath and have been received, and be paid, applied and disposed of accordingly; and the surplus, if any, which shall remain at the end of every or any year, after the payment of such costs, charges and expenses as aforesaid, shall go to and form part of the Colonial Fund of the said Island, and be applied to the general public uses of such Island, and the support of the Government thereof.

VIII. And be it further Enacted, by the authority and with the advice aforesaid, that all fines, penalties and forfeitures imposed by this Act shall, on proof upon oath of the offence before any Two or more Justices of the Peace of the said Island of Van Diemen's Land, or any of the dependencies thereof, be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such Justices, rendering the overplus, if any, on demand, after deducting the charges of such distress and sale, to the person whose goods and chattels shall have been so distrained and sold; and for want of sufficient distress, such Justices are hereby required to commit such offender to any common gaol within the said Island, or any of the dependencies thereof, for any time not exceeding Three calendar months; and the money arising by all such fines, penalties and forfeitures respectively, when recovered, shall be, as to one moiety thereof, to and for the use of Our Sovereign Lord the King, His heirs and successors, and be carried to and form part of the Colonial Fund of the said Island, and be applied to the public uses and in support of the Government thereof; and as to the other moiety of such fines, to and for the use of such person as shall inform or sue for the same.

IX. And be it further Enacted, by the authority and with the advice aforesaid, That the Justices before whom any offender shall be convicted under this Act, shall
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cause his or her conviction to be made out in the manner and form following, or in any other form of words to the like effect, *mutatis mutandis*; (that is to say)

" *Van Diemen's Land*, } BE it Remembered, That on at
 (to wit.) } A. B. of was duly convicted before
 " us, of His Majesty's Justices of the Peace for in pur-
 " suance of a law or ordinance made by his Excellency Lieutenant-Governor
 " Arthur, with the advice of the Legislative Council, in the Eighth year of the
 " reign of King George the Fourth, intituled, An Act [*title of the Act*,] for [*here*
 " *state the offence, as the case may happen to be*,] contrary to the form of the
 " said law or ordinance; for which offence we do adjudge that the said A. B.
 " hath forfeited the sum of . Given under our hands and seals this
 " day of

X. And be it further Enacted, by the authority and with the advice aforesaid, That if at any time during the continuance of this Act the Governor, Lieutenant Governor, or other person for the time being administering the government of this Colony, shall think fit by any order to be by him made, with the advice of the Executive Council, to reduce the duty of three-pence imposed by this Act to any less sum, then from and immediately after such order made, the said duty of three-pence shall cease, and in lieu thereof a duty of such less sum as shall be mentioned in such order shall be levied, raised and paid to the use of His Majesty, His heirs and successors, for every sheet, half-sheet or other piece of paper whereof any such newspaper as aforesaid printed within this Island, or any dependency thereof, after the making of such order, shall consist; and from immediately after such order shall be made every part of this Act shall operate and be in force as if such reduced duty or less sum had been imposed hereby, in lieu of the said duty of three-pence.

XI. And be it further Enacted, by the authority and with the advice aforesaid, that this Act shall continue and be in force until the Fifteenth day of October One thousand eight hundred and twenty-nine.

GEORGE ARTHUR.

Passed the Council, this 15th
 day of September 1827.

John Montagu, Clerk of the Council.

Anno Octavo GEORGII IV. REGIS. No. 4.

By his Excellency Colonel *George Arthur*, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice of the Legislative Council.

An Act for the Transportation of Offenders from Van Diemen's Land.

WHEREAS by an Act of Parliament made and passed in the Fourth year of the reign of King George the First, intituled, "An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons and unlawful Exporters of Wool, and for declaring the Law upon some points relating to Pirates," it was amongst other things Enacted, That where any person or persons should be thereafter convicted of grand or petty larceny, or any felonious stealing or taking of money, or goods and chattels, either from the person or the house of any other, or in any other manner, and who by the law should be liable only to the penalties of burning in the hand or whipping, (excepting persons convicted for receiving or buying stolen goods, knowing them to be stolen,) it should be lawful for the court before whom they were convicted, or any court held at the same place with like authority, if they should think fit, instead of ordering any such offenders to be burnt in the hand or whipped, to order and direct that such offenders should be sent, as soon as conveniently might be, to some of His Majesty's colonies and plantations in America; and that that court before whom they were convicted, or any subsequent court held at the same place with like authority with the former, should have power to convey, transfer and make over such offenders, by order of court, to the use of any person or persons who should contract for the performance of such transportation,

transportation, and his or their assigns, for such term of Seven years ; and that where any offenders should thereafter be convicted of any crimes whatsoever, for which they were by law to be excluded the benefit of clergy, and his then Majesty, his heirs or successors, should be graciously pleased to extend royal mercy to any such offenders upon the condition of transportation to any part of America, and such intention of mercy be signified by one of His Majesty's Principal Secretaries of State, it should be lawful to and for any court having lawful authority to allow such offenders the benefit of a pardon under the Great Seal, and to order and direct the like transfer and conveyance to any person or persons who would contract for the performance of such transportation, and to his and their assigns, of any such before-mentioned offenders, as also of any person or persons convicted of receiving or buying stolen goods, knowing them to be stolen, for the term of Fourteen years, in case such condition of transportation should be general, or else for such other term or terms as should be made part of such condition, if any particular time should be specified by his said then Majesty, his heirs and successors as aforesaid, and that such person or persons so contracting as aforesaid should have a property or interest in the service of such offenders for such term of years : And it was by the said Act of Parliament further enacted, That where any such offenders should be transported, and should have served their respective terms according to the order of any such court as aforesaid, such services should have the effect of a pardon to all intents and purposes, as for that crime or crimes for which they were so transported, and should have so served as aforesaid : And whereas, by several Acts of Parliament made and passed between the Fourth year of the reign of King George the First, and the Nineteenth year of the reign of his late Majesty King George the Third, persons convicted of certain offences were made liable to be transported to America : And whereas, by an Act of Parliament made and passed in the Nineteenth year of the reign of his late Majesty King George the Third, intituled, "An Act to explain and amend the Laws relating to Transportation, Imprisonment and other Punishment of certain Offenders," the several courts therein mentioned within that part of Great Britain called England and Wales, before which any person should be convicted of any grand or petty larceny or other crime, for which he or she was or should be liable to be transported to any of His Majesty's colonies in America, or any court held for the same place with like authority, were empowered to order and adjudge any such person to be transported to any place beyond seas, whether the same should be situated in America or elsewhere, in such and the like manner, and for such and the same term of years, as and for which any such person was or should be liable to be transported to any of His Majesty's colonies and plantations in America ; and by another Act of Parliament made and passed in the Twenty-fourth year of the reign of his said late Majesty King George the Third, intituled, "An Act for the effectual Transportation of Felons and other Offenders, and to authorize the Removal of Prisoners in certain cases, and for other purposes therein mentioned," the courts therein mentioned (being courts in that part of Great Britain called England, and in the principality of Wales) before whom any persons should be thereafter convicted of grand or petty larceny, or any other offence for which they should be liable to be transported, were empowered to order and adjudge such persons to be transported beyond seas, for any term or number of years not exceeding the number of years or term for which such persons were or should be liable to be transported ; and in every such case it was made lawful for the King, with the advice of His Privy Council, to declare and appoint to what places within or without his dominions such offenders should be transported : And by several other Acts of Parliament, since passed from time to time, the aforesaid provisions of the Two last-mentioned Acts have been continued in the cases of persons convicted before the same courts in England and Wales ; but neither the same nor any provisions of the like nature have been extended to the cases of persons convicted before the courts of this Colony : And it is doubtful whether persons convicted in this Colony of any felonious taking or stealing of any money or goods and chattels, or of receiving or buying stolen goods, knowing them to be stolen, within the said Act of the Fourth of the reign of King George the First, or of any offence for which they are liable to transportation by any Act or Acts of Parliament which extend to this Colony, and which were made after the last-mentioned Act, and previous to the making of the said Act of the Nineteenth year of the reign of King George the Third, are by law liable to any other sentence or order of transportation than sentence or order to be transported to one of His Majesty's colonies in America : And whereas, by a certain other Act of Parliament made and

passed in the Sixth year of the reign of His present Majesty, intituled, "An Act for punishing Offences committed by Transports kept to labour in the Colonies, and better regulating the Powers of Justices of the Peace of New South Wales," His Majesty was empowered, by any order made by him, with the advice of His Privy Council, to authorize the Governors, Lieutenant Governors, or other persons for the time being administering the government of any of His Majesty's foreign possessions, colonies or plantations, from time to time to appoint the places within His Majesty's dominions, to which any offender convicted in any such foreign possessions, colonies or plantations, and being under sentence or order of transportation, shall be sent or transported, and a certain Order to that effect, bearing date at Carlton House the Eleventh day of November Eighteen hundred and twenty-six, hath been made and issued by His Majesty, with the advice of His Privy Council; But the said last-mentioned Act of Parliament and Order in Council are applicable only to the cases of persons liable to be ordered or sentenced to transportation generally, and not to the cases of persons liable to be sentenced or ordered to be transported to America: Therefore to give full and general effect in this Colony to the last-mentioned Act and the said Order in Council, and any proclamation or proclamations which may be made in pursuance thereof, and to produce uniformity in the laws in force in this Colony as to the transportation of offenders convicted therein:—

I. Be it Enacted, by his Excellency the Lieutenant Governor aforesaid, with the advice of the Legislative Council, That from and after the commencement of this Act, when any person or persons shall be convicted before any court of competent jurisdiction within this Colony or any of the Dependencies thereof, of any offence for which by any law in force in this Colony such person or persons shall be liable to be transported, it shall be lawful to and for that court, or any subsequent court holden for the same place, to order and adjudge that such person or persons, so convicted as aforesaid, shall be transported beyond the sea for the term of life or years for which such person or persons shall be so liable to be transported as aforesaid.

II. And be it further Enacted, by the authority and with the advice aforesaid, That whenever His Majesty, His heirs or successors, or the Governor of this Colony, having lawful authority thereunto, shall be pleased to extend mercy to any offender convicted within this Island, or any dependency thereof, of any crime for which he or she shall be excluded the benefit of clergy, on condition of transportation beyond sea, and such intention of mercy shall be signified by the Colonial Secretary to the judge or justice before whom such offender shall be convicted, or to any judge or justice of any superior court of criminal jurisdiction, such judge or justice shall allow to such offender the benefit of a conditional pardon, and shall make an order for the immediate transportation of such offender, and such allowance and order shall be considered as an allowance and order made by the court before which such offender was convicted, and shall be entered upon the records of the same court by the proper officer thereof.

III. And be it further Enacted, by the authority and with the advice aforesaid, That every such sentence or order of transportation so made as aforesaid shall subject the offender to be conveyed to such place or places beyond sea, and within His Majesty's dominions, as the Governor, Lieutenant Governor, or other person for the time being administering the government of this Colony, shall from time to time, by any proclamations to be by them issued in pursuance of the said order of His Majesty in Council, or any other order of His Majesty in Council for that purpose made, appoint as the place or places to which offenders convicted in this Colony or any dependency thereof, and being under sentence or order of transportation, shall be sent or transported.

IV. And be it further Enacted, by the authority and with the advice aforesaid, That it shall and may be lawful for the said Governor to cause every such sentence or order of transportation to be carried into effect, and when any offenders shall be about to be transported, to give all necessary and proper orders for their removal to the vessel in which they are to be transported, and to nominate some person or persons to have the custody of such offenders during the voyage to the place to which they are to be transported.

V. And be it further Enacted, by the authority and with the advice aforesaid, That the sheriff or gaoler receiving such order of removal shall forthwith deliver every

offender to whom the same shall apply, to such person or persons as shall by such order be empowered to receive the offender or offenders ordered to be removed; and the person so empowered to receive such offender or offenders shall give a receipt in writing to the sheriff or gaoler, which shall be a discharge to such sheriff or gaoler.

VI. And whereas the carrying into effect such sentences or orders of transportation as aforesaid may be often attended with inconvenience or great delay: Be it further Enacted, by the authority and with the advice aforesaid, That it shall be lawful for the said Governor, whenever he shall think fit so to do, to order any male offender or offenders, being under such sentence or order of transportation as aforesaid, to be removed and confined and kept to labour either at Macquarie Harbour or Maria Island, or any other part or place within this Island or its Dependencies, to be appointed for the reception of offenders; and every offender who shall be so removed shall continue at such port or place aforesaid, and be under the custody and management of the Commandant thereof, until the said Governor shall otherwise direct, or until such offender shall be entitled to his liberty.

VII. And be it further enacted, by the authority and with the advice aforesaid, That after the removal of any offender as aforesaid, the Commandant who shall have the custody or management of him shall, during the term of such custody, have the same powers over him as are incident to the office of sheriff; and if any offender shall during such custody be guilty of any misdemeanor, the Commandant shall and may cause such punishment to be inflicted on him as in like cases any Justice of the Peace may cause to be inflicted on any offender transported to this Colony, and being here under sentence or order of transportation.

VIII. And be it further Enacted, by the authority and with the advice aforesaid, That it shall and may be lawful to keep to hard labour every offender under sentence or order of transportation, while he or she shall remain in the common gaol, if his or her health permit, and that it shall be lawful for the Governor, if he shall think fit, to order any such offender, being a male, to be removed to any penitentiary, and to be kept to hard labour there under the custody and management of the Superintendent, or in chains upon the high roads or other public works, and in like manner to order any such offender, being a female, to be removed and confined in any factory, and there kept to hard labour under the custody and management of the Superintendent thereof, or otherwise, or when he shall think fit to assign and make over any such male or female offender to any person, or his or their assigns, for all or any part of the residue then to come of the term for which such offender shall be sentenced or ordered to be transported, which person or persons, and their assigns, shall have a property in the service of such offender for and during the time for which he or she shall be assigned.

IX. And be it further Enacted, by the authority and with the advice aforesaid, That the time during which every offender shall continue in or at any gaol, port or place of confinement, penitentiary or factory, or as an assigned servant, shall be taken and reckoned in part discharge of the term of his or her transportation.

X. And be it further Enacted, by the authority and with the advice aforesaid, That the Superintendent of any penitentiary or factory having the custody of any such offender, under the authority of this Act, shall during the term of such custody have over such offender the same powers as are incident to the office of sheriff or gaoler.

XI. And be it further Enacted, by the authority and with the advice aforesaid, That if any offender who shall have been or shall be so sentenced or ordered to be transported either for life or years, shall afterwards be at large within this Colony or any of the dependencies thereof, without some lawful cause, before the expiration of the term for which such offender shall have been sentenced or ordered to be transported, every such offender so being at large, being thereof lawfully convicted, shall suffer death as in cases of felony without benefit of clergy, and if any person shall rescue such offender from the custody of such Commandant or Superintendent as aforesaid, or from the custody of the sheriff or any gaoler or other person conveying, removing, transporting or reconveying him or her, or shall convey or cause to be conveyed any disguise, instrument for effecting escape, or arms to such offender, every such offence shall be punishable in the same manner as if such offender had been confined in a gaol or prison in the custody of the sheriff or gaoler, for the crime of which such offender shall have been convicted.

XII. And

XII. And be it further Enacted, by the authority and with the advice aforesaid, That in any information or indictment against any offender for being found at large, contrary to the provisions of this or of any other Act hereafter to be made, and also in any information or indictment against any person who shall rescue, or attempt to rescue, or assist in rescuing any such offender from such custody, or who shall convey or cause to be conveyed any disguise, instrument for effecting escape, or arms to any such offender, contrary to the provisions of this or of any other Act hereafter to be made, it shall be sufficient to charge and allege the order made for the transportation of such offender, without charging or alleging any information or indictment, trial, conviction, judgment or sentence, or any pardon or intention of mercy, or signification thereof of or against or in any manner relating to such offender.

XIII. And be it further Enacted, by the authority and with the advice aforesaid, That the registrar or clerk of the court, or other officer having the custody of the records of the court where such sentence or order of transportation shall have been passed or made, shall, at the request of any person on His Majesty's behalf, make out and give a certificate in writing signed by him, containing the effect and substance only (omitting the formal part) of every information or indictment and conviction of such offender, and of the sentence or order for his or her transportation, (not taking for the same more than Six shillings and eight-pence,) which certificate shall be sufficient evidence of the conviction and sentence or order for the transportation of such offender.

XIV. And be it further Enacted, by the authority and with the advice aforesaid, That every offender under sentence or order of transportation shall, while confined in any gaol, penitentiary or factory, or while assigned as a servant, be subject to the summary jurisdiction of the Justices of the Peace and the Principal Superintendent of Convicts, as in such cases and in such manner as offenders transported to this Colony are subject thereto.

XV. And in order to avoid frequent repetitions, and the use of numerous terms in this Act: Be it Enacted, by the authority and with the advice aforesaid, That whenever the word "Governor" is used in any part of this Act, the same shall be construed to mean the Governor for the time being of this Island, and in case of his absence or of a vacancy in that office, the Lieutenant Governor or other person for the time being lawfully administering the government of this Island; and that by the word "Commandant" shall be understood and meant the officer commonly so called, or other person, by whatever denomination known for the time being, having the command and management of the Island, harbour, port or place of confinement mentioned or referred to in that part of this Act in which the word "Commandant" is used; that by the term "Penitentiary" shall be understood and meant any building or place for the time being used for the reception and lodging of male offenders transported from Great Britain, and in the service of the Government; and that by the term "Factory" shall be understood and meant any building used for the reception of female offenders transported from Great Britain, and in the service of the Government; and that by the term "Superintendent," as applied to a penitentiary or factory, shall be understood the person for the time being, by whatever denomination known, who shall have the charge, care or superintendence of such penitentiary or factory as aforesaid.

XVI. And be it further Enacted, by the authority and with the advice aforesaid, That nothing in this Act contained, respecting the sentence or order to be made by any court for the transportation of offenders, liable to be transported, shall apply to any sentence or order to be made by any court of general or quarter sessions, or any Justices or Justice of the Peace, in the exercise of the summary jurisdiction vested in such courts of general or quarter sessions and Justices or Justice of the Peace respectively, by a certain Act of Parliament, made and passed in the Fourth year of the reign of His present Majesty, intituled, "An Act to provide until the First day of July One thousand eight hundred and twenty-seven, and until the end of the next session of Parliament, for the better Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto;" and by the before-mentioned Act of Parliament of the Sixth year of His present Majesty's reign.

XVII. And whereas, since the opening of the Supreme Court of Van Diemen's Land, several offenders convicted before the said Court of petty larceny, and other offenders

offenders convicted before the said Court of grand larceny, within the benefit of clergy, have been by the said Court ordered to be transported to such places as the Lieutenant Governor should appoint for terms of Seven years each, and other offenders convicted before the said Supreme Court of receiving stolen goods, knowing them to be stolen, have been by the same Court ordered to be transported to such places as the Lieutenant Governor should appoint for terms of Fourteen years each, and the Lieutenant Governor has from time to time appointed Macquarie Harbour and Maria Island as the places to which such offenders should be sent or transported, and many of such offenders have been sent to such places for the terms for which they have so been respectively ordered to be transported: And whereas several offenders convicted of capital crimes have received promises of pardon upon condition of transportation, and have been sent to Macquarie Harbour or Maria Island, or have been transported to Norfolk Island, for the several terms according to the conditions upon which they have been respectively promised such pardons; Be it further Enacted and Declared, by the authority and with the advice aforesaid, That every sentence or order of transportation which hath been so made by the said Supreme Court, hath been and is good and valid in law, as an order of transportation, and that every such offender who hath been so sent to Macquarie Harbour or Maria Island, and who hath not since been pardoned, and also every such offender capitally convicted as hath been so sent or transported to either of those places or Norfolk Island as aforesaid, and the condition of whose pardon hath not been since remitted, is and shall be deemed and taken to have been and to be lawfully transported, and shall be subject and liable to all laws, regulations and penalties to which transported offenders are or shall be subject and liable, and that every offender who now is under such sentence or order of transportation, and hath not been removed or transported, as also every such person capitally convicted, to whom a pardon has been promised on condition of transportation, such condition not having been remitted to him or her, shall and may, without further sentence or order, be transported to, or removed to, and confined in such place, or be assigned as a servant for all the residue now to come of the term for which he or she hath been so ordered to be transported, or on condition of transportation for which he or she hath been promised such pardon, in such and the like manner as any offender who shall hereafter be sentenced or ordered to be transported under or by virtue of this Act shall and will be liable to be transported, removed, confined and assigned, and shall be subject and liable to all the same laws, regulations and penalties.

XVIII. And be it further Enacted, by the authority and with the advice aforesaid, That nothing in this Act contained shall affect His Majesty's royal prerogative of mercy.

XIX. And be it further Enacted, by the authority and with the advice aforesaid, That if any suit or action shall be prosecuted against any person, for any thing done in pursuance of this Act, the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done by the authority of this Act; and if a verdict shall pass for the defendant, or judgment shall in any manner be given against the plaintiff, the defendant shall recover treble costs, and have the like remedy for the same as any defendants have by law in other cases; and notwithstanding a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be had shall certify his approbation of the verdict.

GEORGE ARTHUR.

Passed the Council, this 21st
day of September 1827.

John Montagu, Clerk of the Council.

Anno Octavo GEORGII IV. REGIS. No. 5.

By his Excellency Colonel *George Arthur*, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, by and with the Advice of the Legislative Council.

AN ACT to provide for the Registration of Deeds, Wills, Judgments and Conveyances affecting Real Property.

WHEREAS it is expedient to prevent secret and fraudulent conveyances in this Island, and to provide means whereby the title of real property may be more certainly known :

I. Be it therefore and it is hereby Enacted, by his Excellency the said Lieutenant Governor, by and with the advice of the Legislative Council, That from and after the First day of November now next ensuing, there shall be established at Hobart Town, in the said Island, a public office for the registration of conveyances, deeds and other instruments, wills and judgments, in manner hereinafter mentioned ; such office to be held and executed by a fit and proper person, as Registrar, and that from and after the establishment of such office, all conveyances and other deeds, wills and devises, and other instruments in writing, now or hereafter to be made or executed, and all judgments now subsisting and unsatisfied, or hereafter to be obtained, (by which conveyances, deeds and other instruments, wills and judgments, any lands tenements or hereditaments in Van Diemen's Land or its Dependencies, now are, or are intended to be, or shall or may hereafter be affected,) may be entered and registered in the said office, in the manner hereinafter respectively directed.

II. And be it further Enacted, That all such conveyances, deeds and other instruments in writing as aforesaid, which shall from and after the passing of this Act be made or executed, and all judgments which shall hereafter be obtained, which said conveyances, deeds and other instruments and judgments shall be so registered, in conformity with the provisions of this Act, shall be entitled to, and be allowed and have priority over other conveyances, deeds and other instruments in writing, which shall be made or executed after the passing of this Act, and over judgments which shall be hereafter obtained, affecting or intending to affect the same lands tenements and hereditaments, according to the priority of the time of such registration thereof ; and all such conveyances and other deeds and instruments in writing, and judgments as last aforesaid, and all future devises which shall not be registered in conformity with the provisions of this Act, shall (as against any subsequent *bond fide* purchaser or mortgagee of the same lands tenements and hereditaments for valuable consideration) be, and be adjudged absolutely null and void to all intents and purposes whatsoever : Provided, That nothing hereinbefore contained shall extend to or affect *bond fide* leases at rack rent, for any term not exceeding Fourteen years.

III. Provided always, and be it further Enacted, That all judgments hereafter to be obtained, and all conveyances, deeds, wills and other instruments hereafter to be made or executed, which shall be duly registered within the respective times next mentioned ; (that is to say,) all conveyances and other deeds and instruments (except wills) which (if executed in Van Diemen's Land or its Dependencies) shall be registered within One month, or which (if executed in New South Wales or its Dependencies) shall be registered within Three months, or which (if executed in any other place) shall be registered within Twelve months after the time of the execution thereof respectively, and all wills which (if the devisor die in Van Diemen's Land or its Dependencies) shall be registered within One month, or which (if the devisor die in New South Wales or its Dependencies) shall be registered within Three months, or which (if the devisor die in any other place) shall be registered within Twelve months after the decease of every devisor respectively ; and all future judgments which shall be registered within One month after the time of the signing or recording thereof, shall severally be in like manner entitled to priority, and shall take effect respectively by relation to the date thereof only, and have and be allowed the same force and effect in all respects as the same would have or be entitled to in case this Act had never been made, any thing hereinbefore contained to the contrary notwithstanding.

IV. And be it further Enacted, That the registration of all judgments, deeds, conveyances, wills and devises, and other instruments in writing, affecting or intending to affect any lands tenements or hereditaments in Van Diemen's Land or its Dependencies, shall be made in the manner next mentioned; (that is to say,) a memorial thereof shall be written on parchment and delivered into the said office so to be established, signed (in case of deeds, conveyances and other instruments, except wills) by some or one of the parties to the original deed or instrument, or, if dead or absent from the Colony, then by one or more of the witnesses to such deed or instrument; and (in case of wills and devises) signed by some or one of the devisees, or his her or their guardians or trustees, and (in case of judgments) signed by the plaintiffs or plaintiff, or his her or their authorized agent; and every such memorial shall be verified by the oath of some competent person, that the same contains a just and true account of the several particulars therein set forth; which oath shall be made and taken before any Judge or Master in Chancery, or before the Registrar of Deeds so to be appointed, who is hereby authorized and empowered to administer the same.

V. And be it further Enacted, That every memorial of any judgment shall contain the following particulars; (that is to say,) the names and additions of the plaintiffs and defendants respectively; the sums thereby recovered or secured; the time of the signing or entering up of the same, and the sum of money *bond fide* due thereon; and every memorial of any deed or conveyance, will or other instrument, shall contain and set forth the date of such deed, conveyance, will or other instrument, and the particular nature and object thereof, the names and additions of all the parties to such deed, conveyance or instrument, and of the devisor and devisee or devisees of such will, and the names and additions of all the witnesses thereto, and shall especially particularize and express the lands, tenements and hereditaments affected or intended to be affected by such deed, conveyance, will or instrument, and the proper and ordinary or accustomed names of the districts, towns or places where the same lands tenements or hereditaments shall be situate, and (except in cases of wills) the pecuniary or other consideration for the same, and to whom and how paid, in the form or to the effect of the form set forth in the Schedule hereto annexed, marked (A.): Provided always, That where there shall be more writings than one for perfecting the same conveyance, devise or security, affecting the same lands tenements and hereditaments, all such writings shall be stated in one and the same memorial, in which memorial it shall be sufficient to particularize such lands tenements and hereditaments once only.

VI. And be it further Enacted, That upon the delivery of any such memorial, so verified as aforesaid, the same shall be numbered according to the order of time in which it shall have been so delivered, and the said registrar so to be appointed shall give a receipt for the same, in which receipt shall be specified the certain day and time of day when the memorial shall have been so delivered into his office, and the proper number thereof in the said office; and he shall also in like manner immediately indorse on the back of such memorial a certificate containing the said day and time of day when the same was so delivered, and the name and place of abode of the person verifying the same, and shall sign the said certificate when so indorsed; and such certificate shall be taken and allowed as evidence of the registration and time of registration of every such judgment, conveyance, deed, will, devise and instrument whereof such memorial shall be so made.

VII. And be it further Enacted, That every such memorial shall, as soon after the receipt thereof as practicable, be carefully registered by the registrar in regular succession as received, according to its proper number, in a particular book to be kept by him for that purpose, and shall afterwards be deposited by him in some secure place in his office, and there kept for future reference when required; and he shall also keep an alphabetical index of the districts, towns and places mentioned in every such memorial, and also a like index or indexes of the names of the several parties to conveyances and other deeds and instruments, and of devisors and devisees in wills, and of the plaintiffs and defendants in case of judgments, with accurate references in all such indexes respectively to the number and page of registry of the memorial to which any entry in such index or indexes shall relate; which said book of registry and index or indexes shall be open at convenient times, in the said office, to the inspection of persons desirous of searching the same.

VIII. And

VIII. And be it further Enacted, That in case of mortgages and judgments registered in pursuance of this Act, if at any time afterwards such verified certificate as is hereinafter next mentioned shall be brought to the said registrar, signed by the respective mortgagors or mortgagees, or plaintiffs and defendants, or their agents respectively, and attested by two credible witnesses, whereby it shall appear that the whole of the monies due on any such mortgage or judgment have been fully paid, or that such mortgage or judgment is otherwise satisfied, then the said registrar shall make a short entry or memorandum thereof on the memorial, and in the margin of the registry, of such mortgage or judgment, and shall afterwards carefully register the same certificate in one of the register books of his office, and the said registrar shall also make an entry thereof in his alphabetical index or indexes, referring accurately to the page of registry of such certificate.

IX. And be it further Enacted, That every such certificate shall contain the following particulars ; (that is to say,) in case of judgments, the names and additions of the plaintiffs and defendants, the time of the entering up or signing thereof, the sum or sums thereby recovered, and the date or dates of payment, or other satisfaction of the amount *bonâ fide* due thereon ; and in case of mortgages, the names and additions of the original parties, the date of the instrument, the sum thereby secured, and the time or times of payment, or other satisfaction thereof ; and every such certificate shall be verified by the oath of some competent person, that the same contains a just and true account of the several particulars therein set forth ; which oath shall be made and taken before any Judge or Master in Chancery or before the said registrar, who is hereby authorized to administer the same ; and on the back of such verified certificate the registrar shall immediately indorse the date when the same was received by him, and the name and place of abode of the person verifying the same ; and the said certificate shall, after being so indorsed and entered as aforesaid, be safely kept in his office for future reference, when required.

X. And be it further Enacted, That it shall be lawful for any person or persons whatsoever, to deposit in the said Register Office, for safe custody, any conveyance, deed, power of attorney, or instrument in writing whatsoever, or his or her last will and testament, of which deeds, conveyances, wills or other instruments, the said registrar shall (first giving a receipt for the same) immediately make an entry or entries, in a book to be kept for that purpose, to which book he shall keep an accurate alphabetical index, having reference therein, as well to the name of the testator or parties to each such deed or instrument, as to the person or persons depositing the same : And the said registrar shall carefully and securely keep all such deeds, wills or other instruments in his said office until required by the party or parties so depositing the same to deliver them back again : Provided, That every such will and testament shall be enclosed within a cover or envelope, sealed with the seal of the testator or testatrix, whose name shall be indorsed by the registrar on such envelope or cover ; and every such will shall remain in the said office until the decease of the testator or testatrix, (unless he or she shall previously require the same to be delivered back,) and, upon the death of the testator or testatrix, the said registrar shall (after examining such will) deliver the same to the executor first named therein, or to such other person as the Chief Justice of the Supreme Court shall upon petition order.

XI. And be it further Enacted, That if the said registrar, or any clerk or person employed in the said Register Office, shall wilfully neglect or omit to number, register or enter, in manner hereinbefore directed, any memorial or certificate delivered into the said office, he shall for every such offence forfeit and be liable to pay to His Majesty, His heirs and successors, the penalty or sum of One hundred pounds, and be further liable in damages to the party injured, to the extent of the loss or injury sustained : And if the said registrar, or any clerk or person whatsoever, shall wilfully destroy, embezzle or secrete, forge, counterfeit, raze, deface or alter any memorial, or any part thereof, or any indorsement made thereon, or any entry or registry thereof, in any book in the said office, with intent to defraud or injure any person or persons, such registrar, clerk or person so offending shall be (and be deemed to be) guilty of felony, and being thereof duly convicted, shall suffer death without benefit of clergy.

XII. And be it further Enacted, That the several fees or sums of money mentioned and appointed in and by the Schedule hereunto annexed, marked (B.) shall be demanded by and paid to the said registrar, for and in respect of the several

matters and things to be by him performed and done under or by virtue of this Act, and no higher or other fees; of all which said fees which shall be received by him, a true and regular account shall be kept by him in his said office, and the same having been first sworn to by him as true before some Justice of the Peace, shall be by him produced and delivered to the Auditor of Civil Accounts at the end of every quarter in every year.

GEORGE ARTHUR.

Passed the Council, this 22d
day of September 1827.

John Montagu, Clerk of the Council.

SCHEDULE (A.)

1. Date of will or instrument.
2. Nature and object thereof.
3. Names and additions of the parties, or devisors and devisees.
4. Names and additions of the witnesses thereto.
5. Description of the lands or property conveyed in or affected by the deed or will.
6. Name of the district or place where situate.
7. Consideration, and to whom and how paid.
8. Any other particulars that the case may require.

SCHEDULE (B.)

Schedule or Table of Fees to be taken in the Register Office.

| | £. | s. | d. |
|--|----|----|----|
| 1. For receiving each memorial or verified certificate - - | - | 2 | 6 |
| 2. For giving a receipt for, and afterwards entering and registering the same - - - - - | - | 7 | 6 |
| 3. For receiving every will - - - - - | - | 5 | - |
| 4. For receiving every deed or other instrument - - - - - | - | 5 | - |
| 5. For each search - - - - - | - | 2 | 6 |
| 6. For copy or other particulars of any memorial or certificate - | - | 7 | 6 |

Anno Nono GEORGII IV. REGIS. No. 1.

AN ACT for vesting, subject to the Regulations and Restrictions hereinafter mentioned, in the Principal Superintendent of Convicts for the time being, certain of the Powers, Authorities and Jurisdictions given to the several Justices of the Peace of this Island, in and by an Act of Parliament, passed in the Sixth year of the reign of His present Majesty, intituled, "An Act for punishing Offences committed by Transports kept to Labour in the Colonies, and better regulating the Powers of Justices of the Peace in New South Wales;" and for extending the Powers, Authorities and Jurisdictions so to be vested as aforesaid.

WHEREAS by an Act passed in the Seventh year of the reign of His present Majesty, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, intituled, "An Act for the summary Punishment of disorderly Conduct in female Offenders in the service of the Government, or of any Inhabitant of Van Diemen's Land, and for vesting in the Principal Superintendent of Convicts the like Powers and Authorities as are given to the several Justices of the Peace, by a Law or Ordinance made in the Sixth year of His Majesty's reign, by his Excellency Sir Thomas Brisbane, late Governor of New South Wales, with the advice of the Council of that Colony, intituled, 'An Act for the summary Punishment of disorderly Conduct in any Offender in the service of Government, or of any Inhabitant of New South Wales or Van Diemen's Land;' and by the present Act;" certain jurisdictions, powers and authorities were vested in the Principal Superintendent of Convicts in this Island for the time being: And whereas the said Act

Act will expire on the day of the date hereof, and it is expedient to make further and other provisions in respect of the matters aforesaid, therein contained, and in lieu thereof: Now therefore be it Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Dieman's Land and its Dependencies, with the advice of the Legislative Council, That all and every the powers, authorities and jurisdictions which, in and by a certain Act, passed in the Parliament of the United Kingdom of Great Britain and Ireland, in the Sixth year of the reign of His present Majesty, intituled, "An Act for punishing Offences committed by Transports kept to labour in the Colonies, and better regulating the Powers of Justices of the Peace in New South Wales," are vested in any one or more Justice or Justices of the Peace in and for this Colony, or in or for any district or county thereof, to be by such Justice or Justices exercised in a summary way, for the taking cognizance of complaints made against any felons or other offenders who had been or should be transported to New South Wales or its Dependencies, and whose sentences had not expired or been remitted, for drunkenness, disobedience of orders, neglect of work, absconding or desertion, abusive language to their her or his employers or overseers, insubordination, or other turbulent or disorderly conduct, or for punishing such offences, or any of them, shall be and the same are hereby vested in the said Principal Superintendent of Convicts for the time being.

II. And be it further Enacted, That it shall and may be lawful for the said Principal Superintendent to exercise all and every the same powers, authorities and jurisdictions for the taking cognizance of and punishing all and every of the offences hereinbefore specified, which shall have been or which shall be committed by any person or persons convicted in this Colony, and being under sentence or order of transportation therein.

III. And be it further Enacted, That it shall and may be lawful for the said Principal Superintendent, and he is hereby empowered, to administer an oath or oaths, in all cases where it shall be necessary or proper so to do for the purposes of this Act.

IV. And be it further Enacted, That it shall and may be lawful for the said Principal Superintendent, without the preferment of any complaint, and without examination of any witness or witnesses, to convict any such offender as aforesaid, being in the service of the Government, of any of the offences aforesaid, committed by him or her within the view of the said Principal Superintendent; and upon every such conviction, to order the infliction of such punishment upon the offender convicted as by the present Act is hereinbefore authorized in a like case: Provided, That all such jurisdictions, powers and authorities as are hereby committed to the said Principal Superintendent as aforesaid, shall, in the exercise thereof, be subject to and controlled by the regulation and restriction in the said Act of Parliament in that behalf mentioned.

V. Provided always, That nothing herein contained shall be deemed to authorize the said Principal Superintendent to take cognizance of any offence committed by any person who, at the time of the commission of the same, shall be in the private service of him the said Principal Superintendent.

VI. Provided also, That the said Principal Superintendent shall make a Return on Monday in every week, to the Governor, Lieutenant Governor, or other person administering the government for the time being of this Colony, of all convictions made, and all punishments ordered by him, under the authority of this Act, during the week preceding every such Return.

GEORGE ARTHUR.

Passed the Council, this 1st
day of August 1828.

John Montagu, Clerk of the Council.

Anno Nono GEORGII IV. REGIS. No. 2.

AN ACT for regulating the Sale of Wine, and of Beer, Rum, and other Malt and Spirituous Liquors, by Retail ; and promoting Good Order in Public-houses.

Recital :

WHEREAS the laws for regulating the sale of wine, and of beer, rum, and other malt and spirituous liquors, by retail, and for promoting good order in public-houses, have expired : And it is expedient to make new provisions in respect thereof : Be it therefore and it is hereby Declared and Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That if any person shall, after the passing of this Act, sell, barter, exchange or retail, or shall, in or on any part of his or her house or premises, permit or suffer to be sold, bartered, exchanged or retailed, any ale, beer or other malt liquors, or wine, cider, ginger-beer, brandy, rum, gin, whiskey, cordials or any other strong or fermented liquors, in a less quantity than Five gallons, without having first obtained a license in the manner and form hereinafter mentioned, he or she shall forfeit and pay for every such offence a penalty or sum of not less than Ten pounds, nor more than Fifty pounds.

No quantity of liquors less than Five gallons to be sold without a license.

Penalty, 10*l.* to 50*l.*

Proviso that physicians, &c. may sell, &c. as medicines.

II. Provided always, and be it further Enacted, That nothing herein contained shall be deemed to extend to any person practising as a physician, apothecary, surgeon, chemist or druggist, who may prescribe, administer or sell any of the liquors before mentioned as medicines or for medicinal purposes.

What shall be deemed retailing.

III. And be it further Enacted, That if any dealer in wares, provisions or any other things by retail, (not being licensed under this Act,) shall give away or deliver any such liquors to any person coming to his or her house or shop to buy any of such wares, or other things, under the pretence of such last-mentioned person being a customer, or under any other pretence, or if any unlicensed person shall sell or deliver any such liquors in a quantity equal to or more than Five gallons, with an understanding that part thereof shall be returned, and the quantity so sold or delivered (deducting the part so returned or to be returned) shall then be under Five gallons, then and in each of such cases such dealer or person shall be deemed a retailer of the liquors so given away or sold or delivered, and shall be liable to the said penalty as for selling the same by retail without a license.

In prosecutions for retailing, the accused to be deemed unlicensed, unless proof of license be produced by him.

IV. And be it further Enacted, That in all proceedings whatsoever against any person for retailing or permitting, or suffering to be retailed, any such liquors without a license, such person shall, for all purposes connected with those proceedings, be deemed and taken to be unlicensed, unless he or she shall, at the hearing of the case, produce his or her license before and exhibit the same to the sitting magistrates, or shall then and there produce other satisfactory proof of his or her being a licensed person.

Provision for searching unlicensed houses, wherein liquors are suspected to be retailed.

V. And be it further Enacted, That upon information on oath being made before any Justice of the Peace, by any constable or credible person, that he or she doth verily suspect and believe that any such liquor or liquors is or are habitually sold or retailed in any particular unlicensed house, or other unlicensed place, and such constable or other person shall, in such information, set forth and show reasonable grounds for such belief and suspicion ; then and in such case it shall be lawful for such Justice, in his discretion, to grant his warrant to any constable to enter and search such house or other place, either by day or by night ; which said constable may break open the doors, if not opened within a reasonable time after demand, and seize all such malt or strong fermented or spirituous liquors as he shall there find, and the vessel or vessels in which such liquors shall be contained, and shall and may detain the same until the owner thereof shall appear before the said Justice to claim such liquors, and shall satisfy the said Justice how and for what purpose he became possessed of the same ; and if it shall appear to the said Justice, after due inquiry and examination, that such liquors were in the said house or other place for the purpose of being illegally sold or disposed of by retail, then such Justice shall adjudge the said liquors and vessel or vessels to be condemned and forfeited, and the same shall and may be sold, and the proceeds thereof (after payment

Liquors found, to be seized and sold.

payment of incidental expenses to be allowed by such Justice) applied and distributed, in equal moieties, to the use of His Majesty, and to or amongst the party or parties so informing; but if otherwise, then such liquors and vessel or vessels shall be forthwith restored to the proper owner.

VI. And be it further Enacted, That it shall be lawful for the Justices of the Peace, sitting at or on the trial or hearing of any information under this Act, for retailing without a license, to determine the fact of what is such selling or retailing without license, according to the circumstances of or attending each and every particular case, without direct evidence of money or value having been given for the liquors alleged to have been so sold or retailed.

Justices may determine what is a retailing, without proof of money, &c. paid.

VII. And be it further Enacted, That if any master or other employer shall directly or indirectly agree with any journeyman, workman, servant, labourer, or other person hired or employed by or for him or her in any manner whatsoever, to pay such journeyman, workman, servant, labourer, or person, or shall in fact pay him or her for or on account of wages, hire or reward for work or service, either in the whole or in part, in or by, or by the sale or delivery of any such liquors as aforesaid, or shall make any set-off against or deduction from such wages, hire or reward for or in respect of any such liquors, such master or employer shall forfeit and pay for every such offence a penalty or sum of not less than Ten pounds, nor more than Fifty pounds; and every such journeyman, workman, servant, labourer or other person so hired or employed shall be entitled to his or her whole wages, hire or reward, such agreement or any other agreement to the contrary notwithstanding.

No wages to be paid by any person whatsoever in or by liquors.

Penalty, 10*l.* to 50*l.*

VIII. And for the more effectual discouragement of tipling and drinking in unlicensed houses, be it further Enacted, That every person to whom, after the passing of this Act, any such liquors shall be sold or retailed in a less quantity than Five gallons, by any unlicensed person, shall forfeit and pay a penalty or sum of not less than Five pounds, nor more than Twenty-five pounds, unless he or she shall inform against such unlicensed person, or voluntarily become a witness against him or her in respect of such act of selling or retailing.

Persons purchasing liquors from unlicensed persons, subjected to a penalty, 5*l.* to 25*l.*, to be deemed by becoming a witness.

IX. And be it further Enacted, That no license shall be granted for retailing any spirituous liquors within any gaol, factory, penitentiary, lock-up-house, watch-house or other place of confinement, or place for the lodging of convicts, and that if any gaoler, keeper or officer of any such gaol, factory, penitentiary, lock-up-house, watch-house or other place, shall sell, lend or give away, or knowingly suffer any spirituous liquors or strong waters to be sold, used, lent or given away in, or brought into, the same, except such as shall be prescribed by the order of a practising physician, surgeon or apothecary, such gaoler, keeper or officer shall forfeit and pay a penalty or sum of not less than Twenty pounds, nor more than One hundred pounds, and upon a second conviction, be deprived of his or her place or office.

No spirituous liquors to be retailed, &c. in any gaol, penitentiary, &c.

Penalty, 20*l.* to 100*l.*

X. And be it further Enacted, That if any person shall bring or endeavour to bring any spirituous liquors or strong waters (except in the way of medicine) into any such gaol, factory, penitentiary, lock-up-house, watch-house, place of confinement or place for the lodging of convicts, the gaoler, keeper or officer thereof, or any of his or her servants, may immediately apprehend and carry the offender before any Justice of the Peace, who shall or may, without any information exhibited for that purpose, hear and determine such offence in a summary way; and if, by the oath of one witness or otherwise, such person shall be convicted of such offence, he or she shall forfeit and pay for every such offence a penalty or sum of not less than Ten pounds, nor more than Fifty pounds.

Persons conveying or endeavouring to convey liquors into any gaol, &c.

Penalty, 10*l.* to 50*l.*

XI. Provided always, and be it further Enacted, That nothing hereinbefore contained shall extend to or affect any such gaoler, keeper or officer, or any other person, on account or in respect of any such liquors brought or received into, or endeavoured to be brought into, any such gaol, factory, penitentiary or place for the lodging of convicts, or which shall be there kept for the use or consumption of, or which shall be in fact used or consumed by, such gaoler, keeper or officer, or his or her family, within his or her place of residence therein.

Proviso for liquors for gaoler's own use.

XII. And be it further Enacted, That on information upon oath, by any credible person, that he or she doth know or doth suspect and believe that spirituous liquors or strong waters are, contrary to this Act, kept or disposed of in any such gaol, factory, penitentiary, lock-up-house, watch-house, place of confinement, or place for the lodging of convicts, if such person shall in such information set forth and

Upon information, warrant may be granted to search any gaol, &c. for such liquors.

show reasonable grounds for such belief and suspicion, any Justice of the Peace may enter the said gaol, factory, penitentiary, lock-up-house, watch-house or other such place, and search for or empower by warrant any constable to search for and seize and detain all such liquors as shall be there found; and if it shall appear to the said Justices, after due inquiry and examination, that such liquors were kept there, contrary to the provisions of this Act, or for the purpose of being illegally sold, or otherwise disposed of, then such Justice shall or may adjudge the said liquors to be condemned, and the same shall and may be sold, and the proceeds thereof be applied and distributed, in equal moieties, to the use of His Majesty, and to or amongst the party or parties so informing; but if otherwise, then such liquors shall be restored to the owner thereof.

A copy of the four preceding clauses to be hung up in each gaol, &c.

XIII. And be it further Enacted, That the gaoler, keeper, master or chief officer of every gaol, factory, penitentiary, lock-up-house, watch-house, place of confinement, or place for the lodging of convicts, shall procure a copy of the four preceding clauses, to be printed or fairly written and hung up in one of the most public places of such gaol, factory, penitentiary, lock-up-house, watch-house or place, and renew the same from time to time, so that it be always kept fair and legible, under the penalty of Forty shillings; and any Justice of the Peace may at any time demand a sight of such copy, and if it be not immediately shown to him, hung up in some such public place fair and legible, he shall or may forthwith convict such gaoler, keeper, master or chief officer, and so from time to time as often as he shall think fit.

Persons desirous of obtaining a license, to give notice to clerk of the peace, with certificate of Three householders, &c. &c.

XIV. And be it further Enacted, That every person desirous of obtaining a certificate for a license under this Act shall, on or before the Sixteenth day of the present month of September, and on or before the Sixteenth day of the month of August in every following year, deliver or cause to be delivered to the clerk of the peace, or person acting as clerk of the peace at Hobart Town, or to his deputy at Launceston, a notice, in writing, of his or her intention to apply for such certificate, in which notice shall be contained a full description of his or her premises, with a statement of the names, residences and additions of his or her proposed sureties; and also, in case he or she shall be desirous of keeping a tap or tap-room in or on any other part of the same premises than in the house itself in which he or she shall *bonâ fide* reside, or a tap-room in such house, having any other entrance thereto than such house itself hath, a particular description of such proposed tap or tap-room, and in cases where such tap is not to be kept in such house, with the name of some reputable free person by whom the same will be personally managed and superintended; and shall also in like manner deliver or cause to be delivered with such notice a certificate, signed by Three known and respectable householders, in the form prescribed by the Schedule of this Act, marked with the letter (A.): Provided always, That nothing in this clause contained shall extend to compel any person to deliver any such notice or certificate in this present year, who shall or may have already caused the same to be delivered:

Days on which the Justices are to meet to take into consideration applications for licenses.

XV. And be it further Enacted, That a general meeting of the Justices of the Peace acting within the division of this Island which is commonly called Buckinghamshire, shall be holden at Hobart Town, on the Eighteenth day of this present month of September, and on the Eighteenth day of September in every following year, unless such day shall happen to be Sunday, and in that case on the Seventeenth day of the same month, for the purpose of taking into consideration applications for certificates for the license of public-houses in such division or in any dependency of the said Island; and on the same day or days in this and every following year a general meeting of Justices of the Peace residing within the division of this Island which is commonly called Cornwall, shall be holden at Launceston, for the purpose of taking into consideration applications for certificates for the license of public-houses in such last-mentioned division; which Justices so meeting at Hobart Town and Launceston are hereby empowered to adjourn from the day of such meeting to such other day or days as the said Justices shall from time to time agree upon; and except in such cases as are hereby specially provided for, no certificate shall be granted on any other day than the day of such general meeting, or on one of the days to which the Justices may have so adjourned.

Persons so applying to enter into a recognizance with sureties.

XVI. And be it further Enacted, That every such person so desirous of obtaining a license, shall at such general meeting of Justices at Hobart Town or Launceston, (as the case may require,) or at one of such days of adjournment, enter into a recognizance

recognizance to His Majesty, His heirs and successors, with two sureties to be approved of by such Justices, in the sums and form and with the condition mentioned and prescribed in and by the Schedule of this Act marked (B.); which recognizance shall be entered into in the presence of the majority of the Justices then assembled, and be signed by at least Two of such Justices; which said Justices or Two of such Justices shall, before any license shall be granted, certify their approbation thereof in the form prescribed by the Schedule of this Act marked (C.); and the clerk of the peace, or person acting as clerk of the peace, or his deputy, shall, upon receiving from the person in whose favour such certificate may be made, the sum of Two shillings and sixpence for such certificate, and Ten shillings and sixpence for the recognizance therein referred to, deliver such certificate with a copy of the said recognizance to such person, who shall thereupon lodge the said certificate with the Colonial Treasurer, or person acting as Colonial Treasurer, at his office, or other person from time to time for that purpose appointed by the Governor, Lieutenant Governor or other person administering the government for the time being.

The Justices then to grant a certificate to entitle the party to a license.

XVII. And be it further Enacted, That in all cases in which the Justices, at any such general or adjourned meeting, shall approve of any such tap or tap-room as aforesaid being kept at such place as shall have been for that purpose specified in any such notice as aforesaid, and also (in cases of taps not to be kept in the dwelling-house) shall approve of the person named as the manager or superintendent thereof, such Justices (or the Justices before whom the recognizance of the person to be licensed in respect thereof shall be or have been taken) shall cause a memorandum in writing of such approval, under their hands, to be made at the foot of the certificate which shall be granted to such licensed person; and in such case (but not otherwise) it shall be lawful for such licensed person to have and keep such tap or tap-room so approved of, and to sell liquors therein by retail, any thing hereinafter contained to the contrary notwithstanding: Provided always, That every such tap or tap-room not being in the house itself shall, during the term of the license (except in case of the occasional sickness of such manager or superintendent) be in fact managed and superintended by the manager or superintendent so approved of, or by some other manager or superintendent, to be approved of by Two or more Justices, at a special meeting to be convened for that purpose, by notice under the hand of the clerk of the peace or his deputy, inserted in Two succeeding numbers of one or more of the public newspapers; and if any licensed person shall (save with such approbation of the Justices as aforesaid) keep or have any tap or tap-room other than in the licensed house itself in which he or she shall *bonâ fide* reside, or having any other entrance thereto than such house itself hath, or if any such tap or tap-room (allowed to be kept otherwise than *in* such house) shall be in fact at any time not managed and superintended by the person so for that purpose approved of as aforesaid, then and in either of such cases such licensed person shall forfeit and pay for every such offence a penalty or sum of not less than Twenty pounds, nor more than Fifty pounds, or upon a third or subsequent conviction, shall (at the discretion of the convicting Justices) forfeit and be deprived of his or her license.

Tap and tap-rooms.

Penalty.

XVIII. And be it further Enacted, That in case any person desirous of obtaining such certificate for a license shall be hindered through sickness or infirmity to attend in person at any such general or adjourned meeting of Justices, it shall be lawful for such Justices to certify in favour of such person, upon Three sufficient sureties, to be approved as aforesaid, entering into such recognizance, each surety in the penalty of Fifty pounds, for performance of the condition of the said recognizance; which said recognizances shall in like manner be entered into in the presence of the majority of the Justices then assembled, and be signed by at least Two of such Justices.

Persons prevented from attending the Justices in person.

XIX. And be it further Enacted, That all recognizances, with their conditions, shall be, by the clerk of the peace, or person acting as clerk of the peace, or his deputy, entered and filed amongst the records of the sessions of the peace; and in the event of any recognizances being entered or taken at a time when such clerk or acting clerk or his deputy is not present, the Justice presiding as chairman of the meeting at which the same may have been taken shall forthwith send them to such clerk or his deputy for that purpose.

Recognizances to be filed by clerk of the peace.

XX. And be it further Enacted, That for every license for selling or retailing any of the liquors hereinbefore mentioned, there shall be paid to the Colonial Treasurer or other person so appointed, before any such license shall be by him issued, the

Price of license, and how to be issued.

sum of Twenty-five pounds; which said license shall be in the form prescribed by the Schedule to this Act marked (D.), but no license shall be valid for any purpose until the same shall have been produced to and countersigned by the Auditor or Acting Auditor of Civil Accounts for the time being, and that no license shall be granted for the retailing of spirituous liquors only.

Duration of license.

XXI. And be it further Enacted, That every such license shall bear date on the Twenty-eighth day of September, and shall continue and be valid for One year and no longer, (that is to say) up to and until the Twenty-ninth day of September in the year following; and every license, upon the application of the holder thereof, shall be renewed before any new license be granted, unless the holder of the license so required to be renewed shall have been convicted of a breach of his or her recognizance.

Licensed persons dying before expiration of licenses.

XXII. And be it further Enacted, That if any licensed person shall die before the expiration of the term of the license, or if the premises mentioned in such license shall become unoccupied for the space of One month, it shall be lawful for any Two Justices of the Peace, at any special meeting, to be convened by public notice by the clerk or acting clerk of the peace, or his deputy, published in one of the public newspapers at least Fourteen days previous to such meeting, to certify in favour of the executors or administrators of the deceased, or of any new tenant or occupier, for the purpose of entitling such executors or administrators, or new tenant or occupier to receive a license for the same premises: Provided, That such new tenant or occupier do at such meeting produce such certificate and enter into such recognizance as are hereinbefore respectively mentioned.

Transfers of licenses.

XXIII. And be it further Enacted, That any Two Justices of the Peace specially assembled for the purpose shall have power to certify in favour of the transfer of any license to the appointee of the owner thereof; such appointee producing the like form of certificate, and entering into the like form of recognizance as the original party obtaining the license produced or entered into.

Licenses for canteens.

XXIV. And be it further Enacted, That it shall be lawful for any Two Justices to certify at any time in favour of the grant or transfer of a license for selling liquors by retail in any canteen, to any person applying for such license, who shall hold such canteen under authority of the Government, without regard to the obtaining of any certificate or the entering into any recognizance, any thing in this Act to the contrary notwithstanding; and the Colonial Treasurer, or other person in that behalf appointed as aforesaid, shall deliver to such person a license accordingly; and every person holding such canteen under such authority, and having such license, may keep such canteen, and sell therein, and in the premises thereunto belonging, but not elsewhere, all such liquors as he or she shall be by such license empowered to sell by retail, without being subject to any penalty under this Act for retailing without a license.

Lieutenant Governor may limit the number of licenses.

XXV. And be it further Enacted, That it shall be lawful for the Governor, Lieutenant Governor, or other person for the time being, administering the Government of the Colony, previously to the Eighteenth day of September in every year, to limit the number of public-houses to be licensed in the several towns or districts on the then next licensing day, and to signify his pleasure thereon to the clerk of the peace, or other proper officer; and the Justices shall limit the licenses accordingly; and if in any year there shall by such means be a reduction in the number of licenses granted for the preceding year, the Justices shall select such houses to be licensed as may appear to them to have been kept in the most orderly manner.

No Justice beneficially interested in any licensed house, &c. to act under this Act.

XXVI. And be it further Enacted, That no Justice of the Peace being a brewer, maltster, or distiller, or a dealer in wine or any malt or spirituous liquors, or concerned in partnership with any brewer, maltster or distiller, or dealer in wine or malt or spirituous liquors, or being the owner or part owner of, or trustee, manager, or agent for, any owner or part owner of any house licensed, or about to be licensed, or being directly or indirectly interested in any such house, shall sit at or act in any meeting of Justices, during the consideration of any application for a certificate for a license, or of any thing relating thereto, or shall convict or join in any conviction, or in the consideration or determination of any appeal under this Act; and every Justice who shall knowingly offend in the premises shall for every such offence forfeit and pay a penalty or sum of One hundred pounds, to be recovered by action of debt in the Supreme Court of Van Diemen's Land, in which no wager of law nor more than one imparlance shall be allowed; the one moiety thereof to be to the use of His Majesty,

Majesty, and the other to the use of any person who shall first sue for the same: Provided, That nothing in this section shall extend to or affect any Justice, (being such trustee, manager or agent,) unless he shall in some manner be directly or indirectly beneficially interested in any such house, or in the rents, issues or profits thereof, or the profits of the business carried on or to be carried on therein.

XXVII. And be it further Enacted, That no person holding office or employment under the Government, no under-sheriff, bailiff, or other sheriff's officer, nor any constable, shall hold any license under this Act; nor shall any such person, nor any Justice of the Peace, nor any publican or dealer in wine or in malt or spirituous liquors be received or taken as surety in any recognizance to be entered into as aforesaid.

Persons not permitted to hold licenses, &c.

XXVIII. And be it further Enacted, That if any licensed person shall offend against the tenor of his or her license, or shall in any respect commit a breach of, or otherwise be guilty of any offence against, the condition of the recognizance by him or her entered into, he or she shall, for every such offence, forfeit and pay or become liable to the several penalties or disabilities hereinafter mentioned; (that is to say,) for the first offence, a sum of not less than Ten shillings, nor more than Ten pounds; and for the second offence, a sum of not less than Two pounds, nor more than Twenty pounds; and for the third or any subsequent offence, it shall be lawful for any One Justice, upon complaint or information of such third or subsequent offence, to issue a summons requiring the person so complained of or informed against to appear at the then next general or quarter sessions of the peace to be holden in that division of this Island within which such licensed person resides, then and there to answer to the matter of such complaint or information, and also to bind the complainant or informant and any other person or persons to appear at such sessions, and give evidence against such licensed person; and the Justices of the Peace at such sessions shall inquire of the offence charged in the said complaint or information, and if they find that such licensed person hath committed the offence against the tenor of his or her license or recognizance in the said complaint or information specified, and that such licensed person hath been twice or oftener previously convicted of offences against the tenor of the said license or recognizance, it shall be lawful for the said Justices at such sessions to adjudge such licensed person guilty of such third or subsequent offence, which adjudication shall be final; and thereupon, or in either of such cases, the said Justices shall have authority to punish the party so convicted, by a fine or penalty of not less than Ten pounds, nor more than One hundred pounds, or (at the discretion of the said Justices) by declaring his or her recognizance to be forfeited, and also (at their discretion) his or her license to be void; and such recognizance shall be forfeited, and such license from thenceforth be void accordingly; and the said person whose license shall be so declared void shall from thenceforth be utterly disabled to receive or hold any other license under this Act for Three years, to be computed from the time of such third or subsequent offence committed.

Penalties and disabilities to be incurred by publicans.

XXIX. Provided always, and be it further Enacted, That no recognizance shall be declared forfeited unless upon such adjudication by the said court of general or quarter sessions, upon such third or subsequent conviction; and in every proceeding under this Act against a person as a licensed publican, the production of his or her recognizance shall be evidence of his or her being such licensed publican; and if such licensed person, so complained of or informed against for such third or subsequent offence, shall not appear at such next general or quarter sessions, pursuant to the summons, it shall be lawful for the Justices in such sessions assembled, on proof of the service of such summons, to inquire into and determine the matter of the said complaint or information, and in all respects to proceed against the persons so summoned and not appearing, in the same manner as if he or she had appeared.

Recognizance to be evidence of license.

XXX. And be it further Enacted, That it shall be lawful for any Justice of the Peace, or any chief district constable, either alone or attended by petty constables or other officers, upon demand, to enter any licensed house at any hour, by day or by night, and if admittance be refused or wilfully delayed, the license of such house shall, upon conviction of such offence before any Two Justices of the Peace, be declared forfeited, and thereupon such license shall become immediately void, or (at the discretion of such Justices) the party so offending shall forfeit and pay a penalty or sum of not less than Five pounds, nor more than Fifty pounds.

Power to enter public-houses.

Publicans taking
pledges, &c.

XXXI. And be it further Enacted, That if any licensed person shall take or receive in payment, or as a pledge, or in barter or exchange for any liquor, or for any entertainment supplied in or from such licensed house, any goods or thing, except the current coin of this Island, or the paper money of some known bank, banker or bankers, he or she shall forfeit and pay for such offence a penalty or sum of not less than Ten pounds, nor more than Fifty pounds; and in case of a third or subsequent conviction for a like offence, such licensed person shall immediately forfeit and be deprived of his or her license: Provided always, That nothing herein contained shall extend to prevent any licensed person from receiving in payment from known householders any live stock or wheat, or other corn or grain.

No action maintain-
able for certain li-
quors under Twenty
shillings.

XXXII. And be it further Enacted, That no licensed person shall maintain any action for or recover any debt or demand on account of spirituous liquors, unless such debt shall *bonâ fide* have been contracted at one time, to the amount of Twenty shillings or upwards; nor shall any item in any account for spirituous liquors be allowed, where the liquors *bonâ fide* delivered at one time shall not amount to the full sum of Twenty shillings.

Publicans sharing
profits with or en-
trusting manage-
ment of their houses
to unlicensed per-
sons.

XXXIII. And be it further Enacted, That if any licensed person shall admit any unlicensed person as or to be his or her partner, or shall otherwise directly or indirectly permit any such unlicensed person to participate in the profits of his or her licensed house, or directly or indirectly agree with any such unlicensed person to let such last-mentioned person have, directly or indirectly, any interest in such house or the profits thereof, or shall suffer any such unlicensed person to be remunerated for, or shall agree with any such unlicensed person, that he or she shall be remunerated for any services in proportion to the profits of such house, or the quantity of liquors therein or therefrom sold or retailed, or shall abandon the occupation of such licensed house as his or her place of residence, and permit any person whatsoever to manage, superintend or conduct the business of such house, or shall, whether residing in such house or not, permit any unlicensed person to become virtually or in effect the keeper or one of the keepers thereof, then or in either of the said cases, upon proof of the fact to the satisfaction of any Two Justices of the Peace, the license of the same house for the then current year shall become and be absolutely void, any thing hereinbefore contained to the contrary notwithstanding; or, at the discretion of the said convicting Justices, such licensed person shall forfeit and pay for such offence a penalty or sum of not less than Fifty pounds, nor more than One hundred pounds.

Convictions to be
returned to sessions.

XXXIV. And be it further Enacted, That every conviction shall, by the Justices before whom the same shall have been had, be returned to the next quarter sessions of the peace, and the record of such conviction shall, unless the same be afterwards quashed on appeal, be received as evidence of such conviction against the party thereby convicted, in any prosecution to be instituted against him or her for any other offence under this Act; and the clerk or acting clerk of the peace, or his deputy, to whom such conviction shall be returned, shall on such return (if the same relate to a licensed publican) cause to be made a memorandum of such conviction in a register, which he is hereby directed to keep, of the names and places of abode of the several persons licensed, and shall in every such memorandum state whether such conviction be the first, second, third or other subsequent conviction of the offender.

Proceedings under
this Act to be in a
summary way.

XXXV. And be it further Enacted, That in all proceedings by this Act directed to be had, or matters authorized to be heard and determined at any court of quarter sessions, or by or before any Justices or Justice of the Peace, such proceedings shall be so had, and such matters be so heard and determined in a summary way; and (in other cases) all offences not otherwise provided for shall or may, upon information in that behalf exhibited, be also in a summary way heard and determined, and all fines and penalties in respect of the same be awarded and imposed by any Two Justices: Provided, That no such determination or award, or other adjudication by Justices under this Act, shall be enforced or carried into effect until after the expiration of One week next after the time of such determination, award or adjudication.

Appeal allowed.

XXXVI. And be it further Enacted, That if any person shall feel aggrieved by the summary judgment or conviction of any Justice or Justices under this Act, such person shall be entitled to appeal from such judgment or conviction, in the manner

in that behalf provided in and by the Act, intituled, " An Act to regulate summary Proceedings before Justices of the Peace."

XXXVII. And whereas, under the then existing laws for regulating the sale of liquors by retail, sundry licenses for public-houses have been granted for a period which is not yet arrived, and doubts may arise whether such licenses are not for that reason void: And whereas also informations have been exhibited, and are now depending, for offences against those laws, or one of them, committed on or before the Seventh day of September instant: Be it therefore Declared and Enacted, That every such license (except the same shall have become or shall hereafter become void or voidable by reason of any matter or thing by which it would have been liable to forfeiture under the provisions of the said laws, or one of them) is and shall be deemed to be valid and subsisting, and that every such license (except as aforesaid) shall continue and be in force for the time for which the same shall have been so granted, and that none of the provisions of this Act respecting the sale of liquors by retail without license shall affect the person to whom any such subsisting license shall have been so granted, or any person to whom the same shall have been lawfully transferred by virtue of the said laws or either of them, any thing herein contained to the contrary notwithstanding; and that every such offence, for which any such information hath been so exhibited as aforesaid, shall (notwithstanding the said expiration of the said laws) be heard and determined, and every convict on thereupon be had and enforced, and acted upon or carried into effect in all respects the same as if the said laws and each of them had been perpetual.

Existing licenses.

XXXVIII. And be it further Enacted, That the amount of all and singular the fees or sums of money paid or payable for licenses under and by virtue of this Act, shall be reserved, and the same fees and sums are hereby reserved to His Majesty, His heirs and successors, for the support of the judicial establishments of this Island, and shall go to and be applied in aid of the Colonial Fund of this Island for that purpose accordingly.

Applications of duties under this Act.

GEORGE ARTHUR.

Passed the Council, this 12th
day of September 1828.

John Montagu, Clerk of the Council.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

Form of Householders' Certificate.

TO the Worshipful the Justices of the Peace acting in and for the Buckinghamshire [or, Cornwall] Division of the Island of Van Diemen's Land.

We, the undersigned, [Name] of [Place] in Van Diemen's Land, [Description] [Name] of [Place] in the said Island, [Description] and [Name] of [Place] in the said Island, [Description] (being severally householders,) do hereby certify, That [Name] of [Place] in the said Island, [Description] is well known to us as a person of good fame and of sober life and habits, and as a fit and proper person to be entrusted with a license to keep a public-house.—Witness our hands, the day of One thousand eight hundred and

SCHEDULE (B.)

Form of Recognizance.

Van Diemen's Land. } AT a general [or, at an adjourned] meeting of His Majesty's Justices of the Peace, acting in and for the Buckinghamshire [or Cornwall] Division of the Island of Van Diemen's Land, holden at Hobart Town [or Launceston] on the day of September One thousand eight hundred and pursuant to an Act of his Excellency Colonel George Arthur, Lieutenant Governor of this Island, with the advice of the Legislative Council, made and passed on the Twelfth day of September One thousand eight hundred and twenty-eight, [Name] of [Place] in the said Island, acknowledges himself

- If the party shall,
1. Sell wholesome liquors ;
 2. and not permit card-playing, &c. ;
 3. and not allow cock-fighting, &c. ;
 4. nor permit persons to get drunk ;
 5. and shall remove drunken persons ;
 6. and not permit persons to remain drinking after certain hours ;
 7. nor keep the house open on Sunday ;
 8. nor suffer rioting, &c. ;
 9. nor refuse to admit Justices, &c. ;
 10. nor suffer convicts to remain on Sunday or any day after Eight in the evening ;
 11. nor conceal or harbour any offender.
 12. As to lamps over door.

himself to be indebted to our Sovereign Lord the King in the sum of One hundred pounds, and [Name] of [Place] and [Name] of [Place] respectively acknowledge themselves to be indebted to our said Lord the King in the sum of Fifty pounds each of lawful money of Great Britain, to be respectively levied on their several goods and chattels, lands and tenements, to the use of our said Lord the King, His heirs and successors, by way of recognizance ; upon condition, That if the said [Name] shall receive a license under the said Act to keep a public-house, and to sell therein liquors by retail, being at the house wherein he [or she] now dwells, having the sign of _____ in the district of _____ from the Twenty-eighth day of September instant, until the Twenty-ninth day of September in the year now next ensuing ; then if the said [Name] do, during the term of the said license, sell and retail none other than good and wholesome liquors, in full measure, and without fraudulently diluting or adulterating the same ; and if the said [Name] do not nor shall knowingly permit any playing at cards, draughts, dice, bagatelle or other sedentary game, in or on the said licensed house, or the premises thereunto belonging, by any journeyman, labourer, servant or apprentice, and do not nor shall introduce or permit any bull-baiting, cock-fighting or other such sport or amusement on any part of the said house or premises ; nor shall get drunk, or knowingly permit any other person to get drunk, or (when drunk) to remain in or on the said house or premises ; nor shall suffer any drunken person to enter the same house or premises, without immediately removing him or her therefrom ; nor do nor shall permit any person to remain in or on the said house or premises tippling or drinking after the hour of Eight at night, or on Sunday at any hour, always excepting refreshment to *bonâ fide* travellers, or inmates of the said house ; nor do nor shall on Sunday open the said licensed house for the purpose of receiving or entertaining or dealing with any other customers or persons than *bonâ fide* travellers and regular customers coming or sending to the said house between One and Three o'clock in the day-time, and between Six and Eight o'clock in the evening, to purchase liquors, such liquors to be immediately taken away ; nor do nor shall suffer any riot, fighting or other disorder, tumult or disturbance to take place or be carried on, in or on the said house or premises ; nor shall refuse or neglect to admit any Justice of the Peace or chief district constable at any time into any part of the said house or premises ; nor do nor shall suffer any convict to remain in or on the said house or premises on Sunday at any time, (except a convict travelling with a regular pass, or in attendance upon his or her master or employer, or having the written authority or order of such master or employer,) or after Eight o'clock at night on any other day ; nor do nor shall conceal or harbour, or knowingly assist in the escape or concealment of any runaway convict, or other offender, for whom search is making by the proper authorities, or obstruct any magistrate, constable or any other person in making such search ; and [to be inserted in the case of public-houses in Hobart Town or Launceston, or within Two miles of either of those towns,] also, if the said [Name] do and shall keep one lamp well trimmed and a light opposite to the entrance door in the front of the said licensed house, and in a line with the street fence, and at a distance of not less than Seven nor more than Ten feet from the ground, throughout the whole of the year, from sunset to sunrise ; then this recognizance shall be void, but otherwise it is to remain in full force.

Taken and acknowledged before us, the }
day and year first above written. }

SCHEDULE (C.)

Form of Certificate of the Justices.

Van Diemen's Land. } AT a general [or, at an adjourned] meeting of the Justices of the Peace, acting in and for the Buckinghamshire [or Cornwall] Division of the Island of Van Diemen's Land, holden at Hobart Town, [or Launceston,] on the _____ day of September One thousand eight hundred and _____ pursuant to an Act of his Excellency the Lieutenant Governor, with the advice of the Legislative Council, made and passed on the Twelfth day of September One thousand eight hundred and twenty-eight : These are to certify, That we have received a certificate signed by [Name] of [Place] [Name] of [Place] and [Name] of [Place] (being severally householders) setting forth, that [Name] of [Place] is

is well known to them as a person of good fame and of sober life and habits, and as a fit and proper person to be entrusted with a license to keep a public-house; and that we have taken from the said [Name] and from [Name] of [Place] and [Name] of [Place] his [or her] sureties, a recognizance in the form prescribed in and by the said Act; and we do approve of his [or her] receiving a license to keep a public-house, and to sell therein ale, beer, and other malt liquors, and wine, cider, ginger-beer, brandy, rum, gin, whiskey, cordials, and any other strong fermented or spirituous liquors, being the house in which he [or she] now dwells, having the sign of [Name the sign] in [Name of street] street, in [Name of town] or in the district of [Name of district].

Add Memorandum, when necessary, to the effect mentioned in Section XVII.

SCHEDULE (D.)

Form of License.

WHEREAS [Name] of [Place] hath caused to be deposited with me a certificate from the Justices of the Peace assembled at Hobart Town, [or Launceston,] on the _____ day of September instant, approving of his [or her] receiving a license (under the Act of his Excellency the Lieutenant Governor, with the advice of the Legislative Council of this Island, in that behalf made,) to keep a public-house; and he [or she] hath also paid to me the sum of Twenty-five pounds, being the amount in that behalf provided: Now therefore the said [Name] is hereby licensed to keep a public-house, and to sell in the same (being the house in which he [or she] now dwells in _____ street, in [or at _____ Name the place or district] having the sign of the _____) ale, beer, and other malt liquors, and wine, cider, ginger-beer, brandy, rum, gin, whiskey, cordials, and any other strong fermented or spirituous liquors; provided that good order and rule be maintained and kept in the said house, pursuant to the condition of the recognizance entered into by the said [Name] and his sureties in that behalf; and provided that the provisions of the said Act (under which this license is granted) be in all respects duly observed: This license to continue and be in force for One year, (that is to say) from the Twenty-eighth day of September instant, (being the day of the date hereof,) until the Twenty-ninth day of September, in the year now next ensuing, and no longer. Dated this Twenty-eighth day of September One thousand eight hundred and _____ [where it shall appear by the Justices' certificate, that a separate tap-room has been approved of, subjoin as follows: "Memorandum: "The said [Name] is permitted to keep one tap or tap-room [describe it "as in Justices' Certificate, and if not in the house, add] _____ to be under the "management and superintendence of [Name] a person for that purpose "duly approved of.""]

Anno Nono GEORGII IV. REGIS. No. 3.

AN ACT to regulate summary Proceedings before Justices of the Peace.

WHEREAS inconveniences have arisen in summary proceedings before Justices of the Peace, from the want of a general form of conviction; and it is expedient to regulate all such proceedings in the manner hereinafter mentioned: Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That from and after the passing of this Act, in all cases wherein, by any Act or Acts heretofore made and passed, or hereafter to be made and passed, any proceedings shall have been, or shall be, or is by this Act directed to be had, or matters or matter authorized to be heard and determined, by or before a Justice, or by or before Two or more Justices, in a summary way, (and no particular mode of proceeding shall have been, or shall be, by any such Act directed in that behalf,) it shall be lawful for any One Justice, upon an information in that behalf exhibited before him, to summon all necessary parties and witnesses in the manner hereinafter mentioned; and upon the appearance of the defendant, or his or her contempt by not appearing, such Justice, or any Two or more Justices (as the case may require)

How penalties to be levied.

require) shall or may proceed to examine into and hear and determine the matter in a summary way, and to examine upon oath all witnesses produced therein, and to give his or their judgment thereon; and in case such Justice or Justices shall convict the defendant, and award against him or her any fine or pecuniary penalty, and he or she shall neglect to pay the same fine or penalty, together with the costs and charges of and attending such conviction, to be assessed and ascertained by the said Justice or Justices, into the hands of the said convicting Justice, or of one of the said convicting Justices, (in case there shall have been more than one such Justice,) within one week next after such conviction, (without any previous demand of such penalty,) then it shall be lawful for such Justice or Justices, or either of them, or for any other Justice of the Peace, (at his or their discretion,) to cause such fine or penalty, and costs and charges, to be levied by distress and sale of the goods and chattels of the offender; the overplus, after deducting the charges of such distress and sale, to be rendered to the said offender; or such offender may, by such convicting Justice or Justices, or either of such Justices, or by any other Justice of the Peace, be committed by warrant to one of His Majesty's gaols, there to remain until payment of the full amount of such fine or penalty and costs and charges; or such offender may be proceeded against by both distress and sale, and by such committal also, (at the discretion of any such Justices or Justice,) until the whole of such penalty, costs and charges shall be satisfied.

Service of summons.

II. And be it further Enacted, That (in all cases in which no other mode of proceeding shall have been, or shall be, in that behalf provided) the directing of any summons to any person whatsoever, in the name or names by which he or she is or has been usually known, whether the same be the real or the feigned or assumed name or names of such person, and the leaving of such summons at his or her then or last usual place of abode, or the affixing a copy thereof on one of the doors, or some other conspicuous part on the outside of such abode, [such service being proved on the oath of the person so serving such summons; and it being also in like manner proved, (to the satisfaction of the sitting Justice or Justices, at the hearing of the case,) that the person so serving such summons hath endeavoured to serve the same on the party, but without effect; and that there is reason to suspect and believe that such party hath kept out of the way to avoid such service,] shall be deemed to be a legal and effectual service on such party, as fully, to all intents and purposes, as if the same summons had been personally served on such party, and as if the same had been directed in his or her proper and real names; and that every summons may direct the party to appear, either before the Justice or Justices issuing the same, or before any one or more Justice or Justices generally, as the case may require, (without naming any Justice); provided, that such summons shall direct the party so to appear at a time and place certain, to be named in such summons.

To regulate appeals.

III. And be it further Enacted, That in all cases in which any person shall be or is now entitled to appeal from any judgment or conviction of any Justice or Justices under or by virtue of any such Act as aforesaid, (and no other mode of proceeding shall have been or shall be in that behalf provided,) then if such person (in case a pecuniary penalty shall have been awarded) shall pay into the hands of the convicting Justice, or one of the convicting Justices, (as the case may be,) the full amount of such penalty, together with the assessed costs and charges, within One week next after such conviction; or (in case no pecuniary penalty shall have been awarded) shall within One week next after the date or time of such judgment or conviction had, enter into a bond to the convicting Justice or Justices, to the use of His Majesty, His heirs and successors, with Two sufficient sureties, to be approved by such convicting Justice or Justices, conditioned to prosecute such appeal with effect, and to abide the event of the same appeal, and to pay the full amount of all such costs as shall or may on such appeal be awarded against the appealing party; then it shall be lawful for such person to appeal from such judgment or conviction to the next general quarter sessions, (unless such sessions shall be held within Six days next ensuing, and in that case to the general quarter sessions next but one afterwards); provided, that the matter of every such appeal shall be heard and determined by the Justices assembled and meeting at a court or adjourned court of general quarter sessions, holden at such one of the places, which shall or may be appointed for the holding of general quarter sessions, as shall happen to be the place (or nearest to the place) where the judgment or conviction appealed from shall have been had: And the Justices at such sessions so assembled shall hear and thereupon finally

IV. And be it further Enacted, That if any person shall be summoned to appear as a witness to give evidence before any such Justice or Justices, or before any court of general or quarter sessions, touching any of the matters aforesaid, and shall neglect to appear at the time and place for that purpose appointed, without a reasonable excuse for such neglect, every such person shall for every such offence forfeit and pay a penalty or sum of not less than Five pounds, nor more than Fifty pounds: which said penalty shall or may be recovered by proceeding before any one Justice of the Peace, who is hereby authorized to hear and determine such offence in a summary way, and shall be levied and go and be distributed in the manner by this Act directed, with respect to all other cases by this Act intended to be provided for.

·VI. And be it further Enacted, That in all cases where by any Act a pecuniary penalty of uncertain amount shall have been, or shall be, or is by this Act imposed, (that is to say,) a penalty or sum of not less nor more than an amount in that behalf specified, the amount of every such penalty (within the limits so prescribed) shall be in the discretion of the convicting Justice or Justices; and that every penalty awarded by such Justice or Justices shall in all cases (except where otherwise provided by any such Act) go and be distributed, one moiety thereof to the use of His Majesty, and the other moiety to the use of the informer or party prosecuting; who shall also be in all cases entitled to his or her costs and charges, over and above such penalty, to be ascertained and assessed as aforesaid.

John Montagu, Clerk of the Council.

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18 [state the fact or offence in respect of which the judgment or conviction is had] and I, [or we] do, in pursuance of the Act in such case made and provided, intituled, [or made for] [state either the title or the principal subject of the Act] award, order and adjudge, that [set forth the adjudication, and (if awarding a penalty) as follows] the said [offender] do for such offence [where necessary add, being his (or her) second (or third, or subsequent) offence, as the case may be,] forfeit and pay the sum of _____ pounds, to go and be distributed as in and by the said Act [or, if such Act shall not have specifically provided for any distribution of such penalty, here state the title of the Act providing for such distribution] is provided, besides the costs and charges of and attending this conviction; which said costs and charges I [or we] the said Justice [or Justices] do hereby ascertain and assess at the sum of _____

Given under my hand and seal, [or our hands and seals] the day and year first above written.

Anno Nono GEORGII IV. REGIS. No. 4.

AN ACT to prevent the Removal of Wine and Spirituous Liquors without a Permit; and to make further Provisions to restrain the illicit Dealing in, and clandestine Importation of, such Liquors.

Recital:

No quantity of wine above Three gallons;

or of spirits above One gallon,

to be removed without permit.

Proviso for liquors duly landed from vessels, or removed from place to place on the same premises.

Liquors illegally removed may be seized, with cart, &c. used in conveying the same.

Liquors to be forfeited; but the cart or carriage, &c. may be restored.

WHEREAS it is expedient to make further provisions to restrain the illicit dealing in and retailing of wine and spirituous liquors, and to prevent the clandestine importation thereof, without payment of duty: Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That if any person whatsoever shall, after the Fifteenth day of the present month of October, convey or remove, or cause or procure to be conveyed or removed, or willingly and knowingly assist in conveying or removing (either by land or by water) any wine, in any quantity equal to or above Three gallons, or any rum, cordials, or other spirituous liquors, in any quantity equal to or above One gallon, without having first obtained a permit for such removal or conveyance of the same, he or she shall forfeit and pay a penalty or sum of not less than One pound, nor more than Fifty pounds.

II. Provided always, and be it further Enacted, That nothing in this Act contained shall extend to or affect any person in respect of the removal or conveyance of any such liquors, between the hours of Nine and Four in the day-time, from on board of any ship or vessel to any lawful quay or other duly authorized landing place for goods and merchandize, by or under a sufferance or other authority in writing, of or from the proper custom-house officer; or the removal and conveyance of the same liquors thereupon to the house, warehouse, shop, or other place of deposit of the owner or importer thereof; or in respect of the removal and conveyance of any liquors from one part of any house, warehouse, shop, or other place of deposit to another part of the same house or premises; any thing herein contained to the contrary notwithstanding.

III. And be it further Enacted, That all and every such liquors and liquor as shall be conveyed or removed contrary to the provisions of this Act shall or may (with or without any special warrant for that purpose) be seized by any officer employed in the collection of the revenue, or any constable or other peace officer, or (under the especial authority of any Justice of the Peace) by any other person, either during or at any time after such conveyance or removal; together with the package or packages and vessel or vessels containing such liquors or liquor, and the carriage and cattle, boat or vehicle used in conveying the same; and, upon proof of the facts before any Two or more Justices, such Justices shall adjudge such liquors, and package or packages, and vessel or vessels, and may (at their discretion) adjudge such carriage also, and cattle, and boat or other vehicle to be condemned; and thereupon the articles so condemned shall be sold by public auction, and the proceeds of such sale (after deducting incidental expenses, to be approved of by such Justices) shall go and be distributed, one moiety thereof to the use of His Majesty, and the other moiety to the informer, or to and amongst the informer and

and the person or persons having seized the same, at the discretion of such Justices, and in such proportions as they shall think fit: Provided, That the said convicting Justices may at their discretion, notwithstanding any such seizure, award that any such carriage and cattle, boat or vehicle so seized shall be restored to the owner or owners thereof; either on condition of payment by such owner or owners of a reasonable sum of money to the informer or party or parties so seizing, or to both or each of them, (at the discretion of such Justice,) or without such condition, or any other condition whatsoever.

IV. And be it therefore Enacted, That every permit for the conveyance or removal of any such liquors as aforesaid shall be (as nearly as may be) in the form contained in the Schedule to this Act marked (A.), and be issued and signed by the collector or acting collector of internal revenue for the time being, or by the person acting as Assistant Colonial Treasurer at Launceston for the time being, or by such other person or persons, either at or for Hobart Town or Launceston, or in or for other districts or places within this Island, as shall respectively be for that purpose appointed from time to time by the Governor, Lieutenant Governor, or person for the time being administering the government; and in every such permit there shall be set forth truly the particular places from and to which respectively the liquors therein referred to are to be conveyed or removed, and the particular kind and quantity of such liquors, and the kind and number of packages or vessels in which the same are contained; and a reasonable time for the conveyance and removal and delivery thereof shall be in and by such permit mentioned and limited; and every such permit shall be in words at length only.

Form of permit,
and by whom issued.

V. And be it further Enacted, That if any of such liquors shall not be delivered within the time limited in or by any such permit, (except in case of unavoidable accident, to be proved by the party removing or having charge of the same,) or shall not be removed from and delivered at or to the place or places in that behalf respectively specified in and by such permit, such liquors shall be deemed and taken to have been removed and conveyed without a permit, and be forfeited accordingly; and the party or parties conveying or removing, or knowingly assisting in conveying or removing the same, be subject to the penalty by this Act provided for removing wine or spirituous liquors without a permit: And if any fraud or wilful deceit shall be practised in the obtaining of any permit, or if any unauthorized alteration shall wilfully be made in any part thereof, such permit shall be absolutely void to all intents and purposes whatsoever.

Permit to extend
only to the places
and be in force
during the time
therein mentioned.

Permits void if
fraud, &c. practised.

VI. And be it further Enacted, That if any person employed in the carrying or conveying of any such liquors as aforesaid, and having a permit for the same, shall refuse or wilfully neglect to produce and exhibit such permit to any Justice, constable or peace officer, or officer of revenue, after demand thereof, he or she shall forfeit and pay a penalty or sum of not less than Five pounds, nor more than Fifty pounds; and if any such person, so employed as aforesaid, shall not in fact, after any such lawful demand thereof, produce and exhibit a permit authorizing the removal of the liquors so carried or conveyed, the fact of such omission shall be received as evidence that no valid permit for such removal or conveyance was then in force or subsisting, and the seizure and detention of such liquors shall, in all actions or proceedings for such seizure or detention, be held justifiable; and the plaintiff in any such action shall not recover, or be entitled to, any costs or damages therein: And in all proceedings or prosecutions under this Act, for removing or conveying liquors without a permit, it shall, for all purposes connected with such proceedings, be assumed that there was no valid or subsisting permit for such conveyance or removal, unless proof to the contrary shall be adduced by the defendant before the sitting Justices at the hearing of the case.

Neglecting to exhibit
permit to any
Justice, &c.

Penalty.

Proof of permit to
lie on defendant.

VII. And be it further Enacted, That for every permit there shall be demanded and received by the person granting or issuing the same, (whether there shall be included within such permit one or more package or packages,) the sum of sixpence: Provided, That no quantity of liquors exceeding One hundred and fifty gallons shall be included in any one permit.

Fee for permit.

VIII. And be it further Enacted, That upon information on oath being made before any Justice of the Peace, by any constable or credible person, that he or she doth verily suspect and believe that any such liquor or liquors as aforesaid hath or have been, contrary to the provisions of this Act, removed or conveyed to any

Provision for
searching houses,
&c. to which li-
quors are suspected
to have been re-
moved without
permit.

particular house or other place, and such constable or other person shall, in such information, set forth and show reasonable grounds for such belief and suspicion, then and in such case it shall be lawful for such Justice, in his discretion, to grant his warrant to any constable to enter into or upon such house or other place, in the day-time, and proceed to search the same; which said constable may break open the doors of any such house or place, if not opened within a reasonable time after demand, and seize all such wine or spirituous liquors as he shall there find, and the vessel or vessels in which such liquors shall be contained; and shall and may detain the same until the owner thereof shall appear before the said Justice to claim such liquors: And if it shall appear to the said Justice, after due inquiry and examination, that such wine or liquors was or were not in fact removed, conveyed or delivered contrary to the provisions of this Act, then he shall cause such liquors and vessel or vessels to be forthwith restored to the person so owning the same; but if otherwise, then the same wine or liquors, and vessel or vessels, shall or may forthwith be by such Justice adjudged to be condemned, and the same shall thereupon be sold, and the proceeds thereof be distributed in the manner hereinbefore in that behalf provided.

Liquors found, how to be dealt with.

All distillers of and dealers in liquors (by wholesale or retail) to make quarterly returns of stock.

IX. And be it further Enacted, That on the first Monday in every month of January, April, July and October, after the present year, every licensed dealer in or retailer of any such liquors as aforesaid, and every licensed distiller shall make out, and shall, within One week thence next ensuing, cause to be delivered to the collector or acting collector of internal revenue, or other person or persons for that purpose to be appointed from time to time by the Governor, Lieutenant Governor, or person administering the government as aforesaid, a true and particular return or account in writing, under his or her hand, of all and singular the quantities of all such liquors as aforesaid, bought or imported, or received or had, by him or her, during the preceding Three calendar months, and of all and singular the quantities of such liquors by him or her during the same period sold, or exported, or exchanged, or otherwise disposed of or delivered out, whether by wholesale or retail, and of the quantity of liquor or liquors then on hand; distinguishing in such account, in all cases, the several kinds of such liquors, and the names of the persons from whom, and particularly specifying the places from which the several quantities of liquor shall have been so bought, imported, received or had, and the places to which, and also (excepting in returns by *publicans* respecting liquors *retailed* in quantities under Five gallons) the names of the persons to whom the several quantities of liquor or liquors shall have been so sold or exported, exchanged or delivered, and the date of such purchase, importation or receipt, and sale, exportation, exchange or delivery respectively; and he or she shall also, within One week next following the said first Monday in the said months of January, April, July, and October, cause a true copy of such return or account to be delivered to the collector or comptroller of customs for the time being, at Hobart Town, at the custom-house there.

Copy to be sent to the custom-house.

Omitting to send return, or sending a false return.

X. And be it further Enacted, That if any such licensed dealer, seller, publican, retailer or distiller shall neglect or omit to make out any such return or account as aforesaid, or to cause the same return or account, or such copy thereof as aforesaid, to be delivered as aforesaid, respectively, or shall knowingly insert or omit, or cause to be inserted or omitted, any thing in any such account or return contrary to or for the purpose of concealing the truth, he or she shall for every such offence forfeit and pay a penalty or sum of not less than Five pounds, nor more than Fifty Pounds.

Publicans compellable (in respect of liquors *retailed*) to specify weekly quantity *retailed* merely.

XI. Provided always, and be it further Enacted, That it shall be sufficient for any licensed publican (in respect of all liquors *retailed* by him or her in quantities under Five gallons at any one time) to specify, and he or she shall specify in every such return as aforesaid, in respect of all liquors so *retailed* in his or her licensed house, the gross amount or quantity of liquors so *retailed* therein in each *week*, during the quarter to which the account or return shall relate: Provided, That the gross amount of each kind of liquor so *retailed* during each week be therein truly specified.

Proceedings to be in a summary way.

XII. And be it further Enacted, That in all proceedings by this Act directed to be had, or matters authorized to be heard and determined, by or before any Justice or Justices, such proceedings shall be had and such matters be so heard and determined in a summary way; and (in other cases) all offences against this Act, not otherwise provided for, shall or may, upon information in that behalf exhibited, be also

also in a summary way heard and determined, and all fines and penalties in respect of the same be awarded and imposed by any Two or more Justices: Provided, That every such information shall be exhibited, or other prosecution under this Act be commenced within Three calendar months next after the time of the offence committed; and provided also, That no determination, award or other adjudication, by any Justice or Justices under this Act, shall be enforced or carried into effect until after the expiration of One week next after the time of such determination, award or adjudication.

Time within which prosecutions are to be commenced.

XIII. And be it further Enacted, That in all cases of seizures of liquors and vessels, or boats, vehicles and cattle under any of the provisions of this Act, if no person shall appear to claim the same, it shall be lawful for any Justice or for Two Justices, (as the case may require,) after notice for that purpose given by advertisement inserted in Three successive numbers of One of the public newspapers, and after the expiration of One week next following the time of such third insertion, to proceed in respect of such seizure or seizures, in the same manner as if the owner had been duly summoned and appeared.

Proceedings where no claimant of liquors, &c. seized.

XIV. And be it further Enacted, That if any person shall feel aggrieved by any summary judgment or conviction under this Act, he or she shall be entitled to appeal therefrom, in the manner in that behalf provided in and by the Act, intituled, "An Act to regulate summary Proceedings before Justices of the Peace."

Appeal allowed.

XV. And be it further Enacted, That the amount of all and singular the fees or sums of money paid or payable for permits under and by virtue of this Act, shall be reserved, and the same fees and sums are hereby reserved to His Majesty, His heirs and successors, for the support of the police establishments of this Island, and shall go and be applied in aid of the Colonial Fund of this Island for that purpose accordingly.

Application of duties.

GEORGE ARTHUR.

Passed the Council, the 1st
day of October 1828.

John Montagu, Clerk of the Council.

SCHEDULE (A.)

Form of Permit.

WHEREAS [Name] of [Place] [Description] hath on behalf of [Name] of [Residence] in the said Island, [Description] applied to me for permission to remove [Kind and Number of Vessels and Packages] containing [Quantity] of [Liquor] from [state particularly the Place] to [state particularly the Place].

This is to permit and authorize the removal of the said [Quantity] of [Liquor] in the said [Packages or Vessels] accordingly.

The present Permit to be in force for and during days [or hours] from the date hereof, (that is to say,) for the present day, and up to and until [Day of the Week] the [Date] instant, and no longer.

Given under my hand, at [Place] the
day of 18

Anno Nono GEORGII IV. REGIS. No. 5.

AN ACT for the Licensing of Wholesale Dealers in Wine and Spirituous Liquors.

WHEREAS the illicit retailing of wine and spirituous liquors by unlicensed persons, and the clandestine importation of such liquors without payment of duty, have been promoted by the facility with which persons are enabled to become dealers in those liquors, and to sell the same in quantities not less than Five gallons, without any license in that behalf being granted, or any entry of the places of keeping such liquors being made; and it is expedient, therefore, to provide a remedy for those evils

Recital.

Dealers in wine
and spirits to obtain
annually a license.

Penalty.

Who shall be deem-
ed dealers.

Mode of obtaining a
license.

Dealers to make
entry of ware-
houses, &c.

License how
granted.

Duration of li-
cense.

Copy of license to
be transmitted to
clerk of the peace.

No liquors to be
kept in places not
mentioned in such
entry.

in future, in the manner hereinafter mentioned: Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That from and after the First day of January now next ensuing, every dealer in wine or in brandy, rum, gin, whiskey, cordials, or any other spirituous liquors, (not being a licensed distiller or retailer,) shall annually obtain a license, in the manner and form hereinafter prescribed, under a penalty of not less than Ten pounds, nor more than Fifty pounds; and that every such dealer, not being so licensed under this Act, who shall, after the said First day of January, sell or exchange any such liquors, or shall in or on any part of his or her house or premises permit or suffer any such liquors to be sold or exchanged, in any quantity equal to or above Five gallons, shall for every such offence forfeit and pay a penalty or sum of not less than Ten pounds, nor more than Fifty pounds.

II. And be it further Enacted, That every person (not being a licensed distiller or retailer) who shall at any one time import into this Island, for the purpose of sale or barter, or have in his or her custody, for either of those purposes, any quantity of such liquors exceeding the quantity of Twenty gallons, shall, for the purposes of this Act, be deemed and taken to be a dealer in such liquors: Provided, That nothing herein contained shall extend to or affect any person, in respect of any such liquors which shall have been *bonâ fide* imported or bought for his or her own consumption merely, or which shall not actually be landed within this Island.

III. And be it further Enacted, That every dealer or person desirous of obtaining a license under this Act shall deliver or cause to be delivered to the collector of internal revenue for the time being, at his office, (or to such other person or persons as shall for that purpose be from time to time appointed by the Governor, Lieutenant Governor, or other person for the time being administering the government of the Colony,) a true and particular account in writing, or entry, under his or her hand, of all and singular the storehouses, houses, shops, rooms, vaults, cellars, and other places, by him or her used, or intended to be used, for the sale or custody of all liquors to be by him or her sold or disposed of.

IV. And be it further Enacted, That upon the receipt of such account or entry, and of the sum of Ten pounds, as the price of such license, the said collector (or other person or persons for that purpose appointed as aforesaid) shall deliver to the person applying for the same a license in the form contained in the Schedule to this Act marked (A.): Provided always, That no such license shall be valid for any purpose until the same shall have been produced to and signed by the police or acting police magistrate in or for the district within which such dealer shall reside: And provided also, That no license under this Act shall in any case be granted to any person being here under sentence or order of transportation, without the express permission in writing of the Governor, Lieutenant Governor, or other person administering the government as aforesaid.

V. And be it further Enacted, That the duration of every license under this Act shall (without reference to the time when granted) be until the First day of January next ensuing the date thereof, and no longer; nor shall the holder of any such license obtain or receive a license for the ensuing or any subsequent year until he or she shall anew have caused an account in writing, or entry, to the effect in that behalf aforesaid, to be delivered to such collector or person for that purpose appointed as aforesaid.

VI. And be it further Enacted, That the said collector or acting collector of internal revenue (or other person or persons so appointed as aforesaid) shall, within One week after the date thereof, transmit a true copy of every license so granted (if the dealer so licensed reside within the division of this Island called Buckinghamshire) to the clerk or acting clerk of the peace at Hobart Town, or (if such dealer reside within the division called Cornwall) to the deputy or acting deputy of such clerk at Launceston, by whom respectively all such copies shall be carefully preserved.

VII. And be it further Enacted, That no such license shall extend to authorize any such dealer to sell or dispose of, or to have or keep for the purpose of sale or barter, any such liquors from in or upon any house, storehouse, shop, room, cellar, vault or place other than such as shall have been mentioned in such account in writing or entry as aforesaid, or in some other similar account in writing or entry under his or her hand, delivered to such collector or acting collector of
internal

internal revenue, (or other person for that purpose appointed as aforesaid,) nor unless such last-mentioned account or entry shall have been so delivered before any such sale or disposal of liquor, or deposit of liquors for sale or disposal, shall have taken place: Provided always, That nothing hereinbefore contained shall extend to or affect any such dealer by reason of any deposit in any of His Majesty's bonded stores or warehouses.

VIII. And be it further Enacted, That notwithstanding the Act made and passed on the Twelfth day of September now last past, for regulating the sale of wine and other liquors by retail, it shall be lawful for any dealer in wine, (being a dealer duly licensed under this Act,) and he or she is hereby authorized (although not licensed under the said Act of the Twelfth day of September) to sell any kind of wine by retail: Provided always, That the same be *bonâ fide* bottled wine, and be sold and delivered in reputed quart bottles, and be not so delivered or sold in any quantity less than the quantity which shall be contained in One dozen of such bottles.

Licensed dealers in wine may sell bottled wine in quantities not less than One dozen.

IX. And be it further Enacted, That all offences against this Act shall, upon information in that behalf exhibited, be heard and determined in a summary way, and all fines and penalties in respect of the same be awarded and imposed by and before any Two Justices of the Peace: Provided, That every such information shall be so exhibited and every prosecution under this Act be commenced within Three calendar months next after the time of the offence committed; and every person feeling aggrieved by any judgment or conviction of such Justices shall be entitled to appeal therefrom, in the manner provided by the Act, intituled, "An Act to regulate Summary Proceedings before Justices of the Peace;" and that in all prosecutions under this Act the defendant shall be deemed and taken to be unlicensed, unless such defendant shall produce and exhibit his or her license before the sitting magistrates at the hearing of the case, or shall then and there produce other satisfactory proof of his or her being a licensed dealer.

Prosecutions to be within Three months, and be conducted in a summary way before Justices.

Proof of license to lie on defendant.

X. And be it further Enacted, That the amount of all and singular the fees or sums of money paid or payable for licenses under and by virtue of this Act shall be reserved, and the same fees and sums are hereby reserved to His Majesty, His heirs and successors, for the support of the judicial establishments of this Island, and shall go to and be applied in aid of the Colonial Fund of this Island for that purpose accordingly.

Application of duties.

GEORGE ARTHUR.

Passed the Council, the 1st
day of October 1828.

John Montagu, Clerk of the Council.

SCHEDULE (A.) referred to in this Act.

IN pursuance of an Act of this Island in such case made, intituled [title of this Act] I have received an account in writing, or entry, under the hand of [Name] of [Place] [Description] setting forth, that [here insert the entry of Warehouses, &c.] are all the storehouses, houses, shops, rooms, vaults, cellars and places used or to be used by the said [Name] for the sale or custody of wine and spirituous liquors: And I have also received from him [or her] the sum of Ten pounds, being the amount in that behalf by the said Act provided. The said [Name] is therefore hereby duly licensed as and to be a dealer under the said Act in wine and in brandy, rum, gin, whiskey, cordials and other spirituous liquors, and to sell, exchange or otherwise dispose of (in any quantity not less than Five gallons) all or any of the said liquors, in or upon all or any of the premises and places in the said account or entry mentioned as aforesaid, but not elsewhere: This present license to continue and be in force until the First day of January now next ensuing, and no longer, as in and by the said Act is provided.

Given under my hand this

day of

18

Anno Nono GEORGII IV. REGIS. No. 6.

AN ACT to provide for the temporary Conveyance and Postage of Letters.

Recital.

Lieutenant Governor may erect post-offices;

and appoint post-masters;

and fix rates of postage;

and make rules, &c.

Rates not to exceed certain specified sums.

1. Letters in Hobart Town or Launceston for delivery in the same town.

WHEREAS by an Act made in the Parliament of Great Britain, in the Ninth year of the reign of her Majesty Queen Anne, intituled, "An Act for establishing a General Post-office for all her Majesty's Dominions, and for settling a weekly Sum out of the Revenues thereof for the Service of the War, and other her Majesty's Occasions;" certain provisions were made for the erection of one General Letter-office and Post-office for all her Majesty's dominions, and for the appointment of one master of such General Letter-office and Post-office, by the name and style of her Majesty's Post-Master General, with power and authority, amongst other things, to settle posts for the carrying and receiving of all letters to and from all parts and places of and in her Majesty's dominions, as in and by the said Act is more particularly expressed: And whereas no post hath as yet been settled or established by the Post-Master General within this Island; and it is expedient, until such post shall be so settled, to make provision for the temporary conveyance and postage of letters, in the manner hereinafter mentioned: Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That from and after the passing of this Act, (and until His Majesty's Post-Master General shall, by virtue and in exercise of the powers and authorities in him in that behalf vested, erect and settle a post in this Island,) it shall and may be lawful for the Governor, Lieutenant Governor, or other person administering the government for the time being, to erect, settle, and establish, for the receiving, despatching, carrying, conveying, and delivering of letters and packets, from and in this Island and its Dependencies, one general post-office at Hobart Town, and such and so many post-offices, at other parts and places in the said Island and its Dependencies, and to constitute and appoint one principal post-master, and such and so many other post-masters, with such reasonable salaries and allowances respectively, and the same from time to time to remove and displace, and others to constitute and appoint in their stead, and to settle and fix such rates and sums of money, to be demanded and received by the said several post-masters, for the receiving, despatching, carrying, and delivering of letters and packets respectively, and the same rates and sums from time to time to increase, reduce, and vary, as to such Governor, Lieutenant Governor, or person administering the government shall seem expedient; and to make such rules and regulations for the establishing and managing of the said several post-offices, and the receiving, despatching, carrying, and delivering of such letters and packets, and the collecting and receiving of the said rates and sums, and from time to time to alter or vary any such rules and regulations, or to revoke the same, and make new or other rules and regulations in lieu thereof, as such Governor, Lieutenant Governor, or person administering the government shall deem fit and proper.

II. Provided always, and be it further Enacted, That such rates and sums to be so settled and fixed as aforesaid shall not in any case exceed the rates and sums hereinafter set forth; (that is to say,)

1. For and upon every letter or packet put or received into the general post-office at and intended for delivery in Hobart Town, or into the post-office at and intended for delivery in Launceston,

Not weighing more than Two ounces avoirdupois - - One Penny.

Weighing above Two ounces, and not more than Four ounces - Two Pence.

Weighing above Four ounces, and not more than Six ounces - Three Pence.

Weighing above Six ounces, and not more than Eight ounces - Four Pence.

2. For

2. For and upon every letter or packet put into any post-office, directed to a person at a distance from such post-office,—

| | | | | Single. | Double. | Triple. | Quadruple. |
|----------------------|--------|---------|--------|---------------|---------------|---------------|---------------|
| | | | | <i>Pence.</i> | <i>Pence.</i> | <i>Pence.</i> | <i>Pence.</i> |
| Above | Miles. | | Miles. | | | | |
| 1, and not exceeding | - | 10 | - - | 3 | 5 | 6 | 8 |
| - | 10 | - - - - | 20 | 4 | 6 | 8 | 10 |
| - | 20 | - - - - | 30 | 5 | 8 | 10 | 13 |
| - | 30 | - - - - | 40 | 6 | 9 | 12 | 15 |
| - | 40 | - - - - | 50 | 7 | 11 | 14 | 18 |
| - | 50 | - - - - | 60 | 8 | 12 | 16 | 20 |
| - | 60 | - - - - | 70 | 9 | 14 | 18 | 23 |
| - | 70 | - - - - | 80 | 10 | 15 | 20 | 25 |
| - | 80 | - - - - | 90 | 11 | 17 | 22 | 28 |
| - | 90 | - - - - | 100 | 12 | 18 | 24 | 30 |
| - | 100 | - - - - | 110 | 13 | 20 | 26 | 33 |
| - | 110 | - - - - | 120 | 14 | 21 | 28 | 35 |

and so on progressively in the same proportion.

3. For and upon every letter or packet to or from any place beyond sea, (in addition to its appropriate inland postage,)—

| | | | | | | |
|--------|-----|--------------|--|-----------|-------|-------------|
| Single | - - | Three Pence, | | Triple | - - - | Five Pence, |
| Double | - - | Four Pence, | | Quadruple | - - | Six Pence, |

and so on progressively, in the same proportion.

III. Provided always, and be it further Enacted, That for the purposes of this Act, every letter or packet not weighing more than half an ounce avoirdupois, (whether containing enclosures or not) shall be deemed *single*; and every letter or packet weighing more than half an ounce, and not above three quarters of an ounce, *double*; and every letter or packet weighing more than three quarters of an ounce, and not above one ounce, *triple*; and every letter or packet weighing more than one ounce, and not above one ounce and a quarter, *quadruple*; and so on progressively (according to the weight of each letter and packet) in the same proportion: And provided also, That no letter or packet weighing more than Eight ounces avoirdupois shall in any case be carried or conveyed by or through any such post-office.

What letters to be deemed single, &c.

Letters, &c. not to exceed Eight ounces.

IV. Provided always, and be it further Enacted, That it shall be lawful for any post-master to receive or take charge of any packet of letters or paper parcel from any place beyond sea, although such packet or parcel shall exceed Eight ounces avoirdupois in weight; so that every such packet or parcel shall be so received or taken charge of by way of deposit only, or for the purpose of safe custody thereof, until such packet or parcel shall be called for by, and be delivered to, the party entitled to receive the same; and that there shall be paid to and received by such post-master, upon such delivery by him, for and upon every such packet and parcel, such rate or sum, or rates or sums, as shall be in that behalf settled and fixed from time to time by such Governor, Lieutenant Governor, or person administering the government as aforesaid, not exceeding, for and upon each such packet or parcel, (weighing not more than One pound avoirdupois) the sum of Sixpence, or (if exceeding that weight) the sum of One shilling.

Post-masters may receive, for safe custody, paper parcels, &c. from on board ship.

Postage thereon.

V. Provided always, and be it further Enacted, That nothing herein contained shall extend to authorize any charge for postage on newspapers printed and published within this Island according to law; but that all such newspapers (if put up in covers, open at both ends, and not containing within the same any letter, note or writing, either on such paper or otherwise) shall be received, conveyed and delivered at to and from every post-office free of all postage whatsoever: And provided also, That all letters (actually and *bona fide* on the public service) addressed to, or franked by, any of the public officers or persons who shall be in that behalf named, or exempted from postage in or by any of the regulations so to be made as aforesaid, and in the manner to be prescribed thereby; and all letters under the weight of half an ounce, to or from any part of the United Kingdom, sent by or addressed

Exemptions from postage.

Colonial newspapers.

Letters on the public service.

And letters from or to the United Kingdom, to and from convicts.

to any person being here under sentence or order of transportation, and not holding a ticket of leave, (if concerning his or her private affairs, and sent under cover to or franked by the Principal Superintendent of Convicts,) shall also, in like manner, be severally received, conveyed and delivered at, to and from every post-office, free of all postage.

Soldiers' and Seamen's letters, subject to One penny only.

VI. And be it further Enacted, That no letter, under the weight of half an ounce, from any non-commissioned officer, seaman or private, employed in the navy, army, artillery or marines, shall (whilst so employed) be chargeable with a higher rate of postage than One penny, to be paid at the time of putting such letter into the post-office: Provided, That there be written upon the same, in the hand-writing of, and signed by, his commanding officer for the time being, his name, and the ship, corps, regiment or detachment to which such person belongs; nor shall any letter, directed to any such non-commissioned officer, seaman or private, (if concerning his private affairs only, and specifying the ship or other particulars before mentioned,) be chargeable with more than One penny postage, to be paid upon the delivery of such letter.

Deeds, &c. for registration chargeable with half postage only.

Penalty for abuse of this provision.

VII. And be it further Enacted, That all deeds or wills, and all memorials of deeds, wills and judgments *bonâ fide* intended for registration according to law, (if enclosed within a cover, marked on the outside thereof, "*Deeds, &c. for Registration*," and subscribed with the name of the party transmitting the same, and not containing within, or written on any part of the same, any paper, note or writing which shall not wholly relate to such deed, will or memorial,) shall be chargeable with only one half of the amount of postage chargeable for or upon any other packet of the same weight: Provided always, and be it further Enacted, That if any person shall wilfully or knowingly send to, or put or deliver into, or cause or procure to be sent to, or put or delivered into any post-office, or into the hands of any post-master or person employed in the receipt, carriage or delivery of letters under this Act, any letter or packet having a cover marked as aforesaid, (and which shall not contain in fact, solely and only, some deed or deeds, or will or wills, or memorial or memorials, then intended for registration as aforesaid, or which shall contain any paper, note or writing not wholly relating thereto,) he or she shall, for every such offence, forfeit and pay a penalty or sum of not less than Five pounds, nor more than Twenty pounds.

Post-masters to put up a list of all parcels and letters for delivery;

and (in Hobart Town or Launceston) deliver all letters, &c. within these towns.

Penalty.

Post-master's oath.

VIII. And be it further Enacted, That of all such packets and paper parcels so received or taken charge of by any post-master, by way of deposit, or for the purpose of safe custody only, as aforesaid, and also of all other letters and packets duly conveyed to or put into any post-office, or received by any post-master, directed to persons within the limits of the district or portion of this Island for which such post-master shall have been appointed, every such post-master shall, as soon as conveniently may be after any such receipt of any such packets or parcels or letters as aforesaid, cause a list in writing to be made out, and affixed on some conspicuous part of his post-office, so as that the same list shall be legible by any person on or from the outside of such post-office; and shall cause such list, or a list of such packets, parcels and letters as shall from time to time remain for delivery, to be so kept and affixed, fairly written and legible as aforesaid, for the space of not less than Thirty days thence next following; unless all the packets or parcels and letters therein mentioned, shall have been previously delivered to the persons entitled to receive the same respectively: Provided, That the post-masters at or for Hobart Town or Launceston respectively shall, without any extra charge or remuneration, cause to be duly and carefully delivered (within such reasonable time as may for that purpose be appointed by any of the said rules and regulations) all such letters and packets, not weighing more than eight ounces avoirdupois, as shall have been duly carried and conveyed to or put or received into his post-office, or delivered to or received by him as such post-master, directed to any person at any place within the limits of the same town; and every post-master who shall offend in any respect against any or either of the provisions in this section contained as aforesaid, shall forfeit and pay for every such offence a penalty or sum of not less than Five shillings, nor more than Fifty pounds.

IX. And be it further Enacted, That every person appointed to be a post-master shall, before the exercise by him of the duties of such his office, take and subscribe an Oath, for the due execution of such duties, before one of His Majesty's Justices

Justices of the Peace; which said Oath such Justice is hereby authorized and required to administer, in the words following; (that is to say)

" I, [Name] do swear, That I will not willingly or knowingly open, detain or delay, or cause or suffer to be opened, detained or delayed any letter, packet or parcel which shall come into my hands, power or custody, by reason of my employment as a post-master within this Island, except by the consent of the person or persons to whom the same letter, parcel or packet shall be directed, or by an express warrant in writing for that purpose, under the hand of the Governor, Lieutenant Governor, or person administering the government of this Island, for the time being; or except in cases where the party or parties to whom such letter, parcel or packet shall be directed, or who shall be chargeable with the payment of the postage, shall refuse or neglect to pay the same; and except such letters, parcels or packets as shall be returned for want of true directions, or where the party or parties to whom the same shall be directed cannot be found: And I swear, That I will not in any way embezzle or secrete any such letter, parcel or packet. " So help me GOD."

X. And be it further Enacted, That any post-master taking any such oath as aforesaid, under the provisions of this Act, who shall wilfully forswear and perjure himself in such oath, and shall be lawfully convicted thereof, shall suffer such punishment as by law may be inflicted on persons convicted of wilful and corrupt perjury.

XI. And be it further Enacted, That if any post-master, or person employed by or under a post-master, or in the receiving, sorting, carrying, conveying or delivering of post letters, or otherwise, in the business of the post-office, shall offend against, or wilfully neglect or omit to comply with, or shall not observe and follow, all or any or either of the said rules and regulations so from time to time made as aforesaid, he or she shall, for every such offence, neglect or omission, forfeit and pay a penalty or sum of not less than Five shillings, nor more than Fifty pounds: Provided always, That nothing in this section contained shall extend to any person being here under sentence or order of transportation, but that every such person shall or may be punished for any such offence, neglect or omission, as aforesaid, in the same manner as such person might, or may, by law be punished for disobedience of orders or neglect of work.

XII. And be it further Enacted, That no person whatsoever employed in carrying, conveying or delivering letters, under the provisions of this Act, shall, whilst *bond fide* engaged in such employment, be liable to or chargeable with the payment of any ferryage or ferry, punt or turnpike, tolls or dues, either in going with or returning after the delivery of letters; but shall be, and all such persons whilst so engaged and employed are hereby expressly exempted from any such payment.

XIII. And whereas, after the arrival of vessels in the ports or harbours of this Island from parts beyond the sea, letters directed to persons within this Island have been in some instances a long time detained on board thereof: Be it therefore Enacted, That all mails, mail-bags, letters and packets of letters, and paper parcels, which shall or may at the time of the arrival of any ship or vessel at any port or place within this Island, or any of its dependencies, be on board of such ship or vessel, directed to any person or persons at any place within this Island or its dependencies, shall, immediately upon the demand or at the request of any such post-master as aforesaid, or (in case of his sickness or inability to attend) of any person for that purpose appointed by or otherwise duly acting for him, be delivered up to such post-master or person; (excepting always letters and packets concerning any goods on board of such vessel, and to be delivered with such goods, and excepting also letters and packets containing commissions, affidavits, writs and other legal proceedings, or returns thereof; and all letters and packets sent by any private friend or friends, by way of introduction only, or in the way of his or their journey or travel, or concerning his or their private affairs:) And if any master, passenger or other person, on board of such vessel, shall wilfully or knowingly detain or have on board of such vessel, or keep in his or her possession, any such mail, mail-bag, letter, packet or parcel (except as aforesaid) after such demand or request made, by any such post-master or person acting as aforesaid, he or she shall forfeit and pay, for every such letter, packet or parcel so detained, had or kept, a penalty or sum of not less than One pound, nor more than Five pounds.

Allowance for such letters.

XIV. And in order to encourage the due and expeditious delivery of all such letters, parcels and packets: Be it further Enacted, That every master or other person on board of any such ship or vessel as aforesaid shall be entitled to receive, at any time after the expiration of Twenty-four hours next after the arrival of such vessel, from the post-master, or person acting as aforesaid, to whom he shall (upon such demand as aforesaid of the said post-master, or other person, or without such demand) deliver letters, parcels or packets, directed to persons within this Island, or any of its dependencies, (and such post-master, or person so acting as aforesaid, is hereby required to pay to such master or person) the sum of One penny for every such letter, parcel and packet, (excepting always letters, parcels and packets, *bonâ fide* written and addressed on the public service, or addressed to or for the Governor, Lieutenant Governor, or person administering the government, as aforesaid,) which he shall so deliver as aforesaid; every such master and person signing a certificate of the number of such letters, parcels and packets delivered, and mentioning therein by what vessel they came, and the time when he so delivered the same; and also giving a receipt for such money as he or they shall have received from such post-master or person as aforesaid in respect thereof; which receipt shall be, to such post-master or person, a sufficient acquittance or voucher for the amount of the sum or sums of money expressed therein; and the same sums shall be allowed to such post-master in account accordingly.

Vessels departing from this Island compelled to take mails.

XV. And whereas masters and other persons having the charge or command of vessels departing from this Island have, in some cases, refused to receive on board such vessels, and in other cases, having received on board, have refused to convey therein letters and packets from persons within this Island or its dependencies, directed to persons at places beyond the sea, whereby great damage and inconvenience have, in those cases, been sustained by merchants and other persons: Be it therefore Enacted, That if any master, or person having the charge or command of any vessel about to depart from this Island, shall (after being thereunto required by any such post-master or person duly acting for such post-master as aforesaid) refuse or wilfully neglect to receive on board such vessel any mail, mail-bag or packet of letters directed to, or to or for any person at, any port or place beyond the sea for which such vessel shall then be bound, or shall at any time refuse or neglect carefully to deposit any such mail, mail-bag or packet of letters, in some secure place on board of such vessel, or to convey the same upon and for her then intended voyage, such master, or person having such charge or command, shall for every such offence forfeit and pay a penalty or sum of not less than Fifty pounds, nor more than Two hundred pounds, to be recovered in a summary way, by or before two Justices, in the manner and form prescribed by the Act, intituled, "An Act to regulate summary Proceedings before Justices of the Peace." And if any such master or person having such charge or command, after having received on board his ship or vessel any such mail, mail-bag, or packet, shall wilfully neglect duly to deliver the same, or either of them, on arrival at the port or place to or for which the same shall be directed as aforesaid to the post-master, consul, vice-consul, or other proper officer or person there appointed to receive or take charge of such mails, letters and packets, such master or person having such charge or command, shall for such last-mentioned offence forfeit and pay the penalty or sum of Five hundred pounds, to be recovered by action at law, at the suit of any person who shall sue for the same, and be applied, one moiety thereof to the use of His Majesty, and the other to the use of the party so suing.

Penalty for refusing to receive, or neglecting to deliver.

Remuneration to masters receiving.

XVI. Provided always, and be it further Enacted, That every such master or person in charge of any such vessel as last aforesaid, who shall duly receive on board thereof any such mail, mail-bag or packet, (for the purpose of conveying the same according to the direction thereof,) shall be entitled immediately to demand and receive from the post-master, or person from whom he shall so receive the same, (and such post-master or person is hereby required to pay to him) a sum of money for the carriage thereof, equal to or at and after the rate of One penny for every letter contained in every such mail, mail-bag or packet; (excepting always, in respect of mails, mail-bags and despatches from the Governor, Lieutenant Governor or person administering the government as aforesaid, or other letters or packets *bonâ fide* written and addressed on the public service;) such master or person giving to such post-master a receipt for the sum of money so paid by him; which said receipt shall be a sufficient voucher to such post-master for such payment, and the same shall be allowed to him in account accordingly.

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XVII. And

XVII. And be it further Enacted, That if any person shall willingly or knowingly open, detain or delay, or cause, procure, permit or suffer to be opened, detained or delayed, any letter, parcel or packet, after the same shall have been delivered into any post-office, or into the hands of any person employed in the receiving, carrying or delivering of letters or packets, under this Act, and before delivery to or for the use of the person to whom such letter, parcel or packet shall be directed, (except by or under an express warrant in writing in that behalf, under the hand of the Governor, Lieutenant Governor, or person administering the Government as aforesaid, or except in cases where the party or parties to whom such letter or packet shall be directed, or who shall be chargeable with the payment of the postage thereof, shall refuse or neglect to pay such postage, and except such letters or packets as shall be returned for want of true directions, or where the party or parties to whom the same are directed cannot be found,) or shall embezzle any post letter or packet, such person shall, for every such offence, forfeit and pay a penalty or sum of not less than Five pounds, nor more than Fifty pounds; and every such person so offending shall be for ever incapable of having, exercising or enjoying any office, trust or employment in or relating to the post-office, or any branch thereof.

Persons opening, detaining or delaying letters.

Penalty.

XVIII. And be it further Enacted, That if any person shall steal and take from any carriage, or from the possession of any post-master, or any person employed to convey letters sent by the post from or in this Island, or from out of any post-office or house or place for the receipt or delivery of letters or packets, or bags or mails of letters, sent or to be sent by such post, any letter or packet, or bag or mail of letters, (sent or to be sent by such post,) or shall steal and take any letter or packet out of any such bag or mail, every person so offending (being thereof duly convicted) shall be adjudged guilty of felony.

Stealing letters, &c. from persons in the post-office, or from mails, &c.

Felony.

XIX. And be it further Enacted, That all offences against this Act, or against any or either of the said rules and regulations, in respect of which said offences any pecuniary fine or penalty is by this Act imposed, (and no other provision for recovery thereof is hereinbefore in that behalf made,) shall or may be heard or determined, and such fines and penalties be awarded and imposed in a summary way, by or before any Two Justices, upon information in that behalf exhibited; and that all such fines and penalties so awarded and imposed by any such Justices, shall go and be distributed (and all persons aggrieved by any summary judgment or conviction under this Act shall be entitled to appeal therefrom) in the manner provided respectively in and by the Act, intituled, "An Act to regulate summary Proceedings before Justices of the Peace."

Proceedings for penalties.

XX. And be it further Enacted, That the amount of all and singular the rates and fees received or payable for or in respect of postage under and by virtue of this Act, shall be from time to time paid over by the said several post-masters, to such person or persons, and at such time or times, and in such manner as shall by the Governor, Lieutenant Governor or person administering the government as aforesaid, be from time to time for that purpose appointed; and the same rates and fees or sums shall be and the same are hereby reserved to His Majesty, His heirs and successors, in the first place for the maintenance and support of the said several post-offices or establishments under this Act, and the surplus (if any) to and for the construction and repair of roads and bridges throughout this Island; and the same rates and fees or sums shall go to and be applied for those purposes accordingly.

Application of duties.

GEORGE ARTHUR.

Passed the Council, the 4th
day of October 1828.

John Montagu, Clerk of the Council.

Anno Nono GEORGII IV. REGIS. No. 7.

AN ACT to regulate the Printing and Publishing of Newspapers.

WHEREAS it is expedient to make provision for restraining the printing and publishing of blasphemous and seditious libels, and preventing the mischiefs which may arise from the printing and publishing of newspapers by persons unknown:

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Be

After 1st January 1829, no newspaper to be published until delivery of an affidavit.

Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That from and after the First day of January One thousand eight hundred and twenty-nine, no person shall print or publish, or cause to be printed or published, within this Island, any newspaper, until he or she shall have delivered or caused to be delivered to the Colonial Secretary, at his office, such affidavit or affirmation as is hereinafter in that behalf required, made and signed as hereinafter in that behalf mentioned, and containing the several matters and things hereinafter for that purpose specified.

What shall be deemed a newspaper.

II. And be it further Enacted, That every paper commonly called or serving the purpose of a newspaper, and every paper and pamphlet either in the whole or in part containing public news or intelligence or occurrences, or any remarks or observations thereon, or upon any act, measure or order of Government, or upon any matter of Government, and which shall be published periodically or in parts or numbers, at intervals not exceeding Ninety days between the publication of any Two such papers or pamphlets or parts or numbers, (where any of the said papers or pamphlets or parts or numbers shall not exceed Three sheets of paper,) shall be deemed and taken to be a newspaper, within the true intent and meaning of this Act.

What shall be deemed a sheet of paper.

III. And be it further Enacted, That no quantity of paper less than a quantity equal to Thirty-one inches in length and Twenty-two inches in breadth, (in whatever way or form the same may be made or may be divided into leaves, or in whatever way the same may be printed or published,) shall be deemed or taken to be a sheet of paper, within the meaning of this Act; and that no cover or blank leaf shall, for the purposes of this Act, be deemed or taken to be a part of any such newspaper, paper, or pamphlet, or part, or number, as aforesaid.

Explication of terms used in this Act.

IV. And in order to avoid the use of numerous terms in this Act, and to prevent misconstruction of the terms used herein: Be it Enacted, That the terms "Governor" or "Lieutenant Governor" shall be construed to mean the Governor, Lieutenant Governor or other person lawfully administering the government of this Island for the time being: That the term "Colonial Secretary," and all other terms used herein, descriptive of any public officer, shall be construed to mean the Colonial Secretary, or public officer mentioned, or the person acting as Colonial Secretary, or as such other public officer, for the time being: That the term "publisher" shall be construed to mean the first or original publisher of any newspaper: That the term "this Island" shall be construed to mean the Island of Van Diemen's Land and the Dependencies thereof: That the term "printing-office" shall be construed to mean the house or place where the newspaper referred to in the sentence shall be printed, or where the last affidavit (to be delivered as hereinafter is mentioned) shall specify that the same is intended to be printed: And that the terms "affidavit" and "affirmation" respectively shall be alike construed One affidavit or affirmation, (if only One be necessary,) and Two or more affidavits or affirmations, (if more than One be in the particular sentence required or intended.)

What each affidavit shall contain.

V. And be it further Enacted, That in every such affidavit or affirmation as aforesaid shall be set forth, in words at length, the real and true names, additions, descriptions and places of abode, respectively, of all and every the persons and person who are and is intended to be the printers or printer, and publishers or publisher of the newspaper proposed or intended to be printed and published, and of all the proprietors of the same; and a true description of the printing-office, or house, or place, wherein any such newspaper is intended to be printed and published, and likewise the title of such newspaper.

How the affidavit shall be made.

VI. And be it further Enacted, That every such affidavit or affirmation shall be in writing, and signed by the person or persons making or affirming the same, and shall be taken by or made before the Colonial Secretary, who is hereby authorized to take such affidavits, upon the oath or oaths of the person or persons making the same, and such affirmations, (in the case of persons commonly called Quakers;) and such affidavit or affirmation shall be required from and be sworn or affirmed by all and every the printers or printer, and publishers and publisher, and proprietors or proprietor, of the newspaper to which the same shall relate, who shall be adult, and resident within this Island.

VII. And

VII. And be it further Enacted, That an affidavit or affirmation, of or to the like purport and effect, shall be in like manner made, signed and delivered, as often as either of the printers, or publishers, or proprietors, named in any such affidavit or affirmation, shall be changed, or shall change his or her place of abode, or printing-office, and as often as the title of the newspaper shall be changed, and as often as the Governor or Lieutenant Governor shall see cause for requiring such new or subsequent affidavit or affirmation, and shall give notice in writing, signed by the Colonial Secretary, that he doth require the same; such notice to be left at such printing-office as in the affidavit or affirmation last delivered is mentioned as the printing-office or place at which the newspaper to which such notice shall relate is printed.

A similar affidavit to be made anew in certain cases.

VIII. And be it further Enacted, That if any person shall print or publish, or knowingly and wilfully sell, retail, or circulate any newspaper, such affidavit or affirmation, containing such matters as by this Act are in that behalf required, not having been duly signed, made and delivered, when and as often as by this Act is required, he or she shall forfeit and pay for every such offence a penalty or sum of One hundred pounds.

Penalty for selling, &c. until affidavit be delivered.

IX. And be it further Enacted, That if any person, making such affidavit or affirmation as by this Act is required, shall knowingly and wilfully insert or set forth therein the name or names, addition or additions, or place or places of abode, of any person as proprietor, printer, or publisher of any newspaper to which such affidavit or affirmation relates, who is not a proprietor, printer or publisher thereof, or shall knowingly and wilfully omit to mention in such affidavit or affirmation the name or names, addition or additions, and place or places of abode, of any of the proprietors, printers or publishers thereof, contrary to the true meaning of this Act, or shall knowingly and wilfully, in any other manner or respect, set forth in such affidavit or affirmation any matter or thing by this Act required to be set forth, otherwise than according to the truth, or shall knowingly or wilfully omit to set forth therein, according to the truth, any matter or thing required by this Act to be therein set forth, every person so offending shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Making a false affidavit, perjury.

X. And be it further Enacted, That every such affidavit or affirmation as is hereinbefore required shall be filed and kept in the office of the Colonial Secretary; and the same, or copies thereof, certified as hereinafter mentioned, shall respectively, in all proceedings, civil and criminal, touching the newspaper to which the same shall relate, or touching any matter or thing contained in such newspaper, be received and admitted (with respect to all the matters set forth in such affidavits or affirmations, and by this Act required to be therein set forth) as conclusive evidence of the truth of those matters, against every person who shall have signed and sworn or affirmed the same.

Affidavits to be evidence against parties making the same.

XI. Provided always, and be it and it is hereby further Enacted, That if any such person against whom any such affidavit or affirmation, or any copy thereof, shall be offered in evidence, shall prove, that he or she hath signed and sworn or affirmed, and delivered to the Colonial Secretary, previously to the day of the date of the newspaper to which such proceedings as last aforesaid shall relate, an affidavit or affirmation that he or she hath ceased to be the printer, or publisher or proprietor (as the case may be) of such newspaper as last aforesaid, such person shall not be deemed, by reason of any former affidavit or affirmation, to have been the printer, or publisher or proprietor of such newspaper, at any time after the day on which such last-mentioned affidavit or affirmation shall have been so delivered to the Colonial Secretary, as last aforesaid.

Proviso.

XII. And be it further Enacted, That in some part of every newspaper there shall be legibly printed the true name and names, addition and additions, and place and places of abode of the printer and printers and publisher and publishers of the same, and also a true description of the printing-office or place where the same newspaper is printed: And if any person or persons shall print or publish any newspaper, not containing all the particulars in this clause mentioned, he or she shall for every such offence forfeit and pay a penalty or sum of One hundred pounds; and proof made in manner herein mentioned, in any proceeding to recover the same, that the party proceeded against is a printer or publisher of a newspaper, so printed or published as aforesaid, shall be deemed and taken to be proof that such party is

Name, &c. of printers and publishers to be printed in a newspaper.

a person wilfully and knowingly printing or publishing, or causing the same to be printed or published, unless he or she shall satisfactorily prove the contrary thereof.

Production of the affidavit, and of a paper intituled as therein mentioned, shall render proof of purchase unnecessary.

XIII. And be it further Enacted, That it shall not be necessary, after any such affidavit or affirmation, or certified copy, shall have been produced in evidence as aforesaid against any person who signed and made the same, (and after any newspaper shall be produced in evidence, intituled in the same manner as the newspaper mentioned in such affidavit or affirmation or copy is intituled, and wherein the name or names of the printer or publisher, or printers or publishers, and the printing-office, shall be the same as the name or names of the printer or publisher, or printers or publishers, and the printing-office, mentioned in such affidavit or affirmation,) for the plaintiff, in any action, or prosecutor upon any indictment or information, or for any person seeking to recover any penalty given by this Act, to prove that the newspaper to which the case relates was purchased, or received at, or had from, any house, shop or place belonging to or occupied by the defendant, or by his or her servants or workmen, or was in any manner purchased or received or had from any such defendant, or his or her servant or agents, or workmen, or any of them.

Service at the printing-office of any notice, &c. shall be good service.

XIV. And be it further Enacted, That service at the house or place mentioned in such affidavit or affirmation as aforesaid, as the house or place at which such newspaper, to which any proceeding, civil or criminal, shall relate, is printed and published, or intended so to be, of any legal notice, summons, subpœna, rule, order or process, to, for or against any printer or publisher or proprietor of such newspaper, shall be deemed to be good service respectively against every person named in such affidavit or affirmation as aforesaid, as the printer or publisher or proprietor of the newspaper mentioned in such affidavit or affirmation.

Provido.

XV. Provided always, and be it further Enacted, That if any person shall have signed and sworn or affirmed and delivered to the Colonial Secretary, previously to the day of the date of the newspaper to which the case shall relate, any affidavit or affirmation that he or she hath ceased to be the printer, publisher or proprietor (as the case may be) of such newspaper, and shall make proof thereof, then such person shall not be deemed, by reason of any former affidavit or affirmation, to have been the printer, publisher or proprietor of such newspaper, at any time after the day on which such last-mentioned affidavit or affirmation shall have been delivered to the Colonial Secretary as last aforesaid.

Colonial Secretary, on application, to deliver a copy of affidavit.

XVI. And be it further Enacted, That the Colonial Secretary, upon application made to him by any person requiring a copy, certified according to this Act, of any such affidavit or affirmation as aforesaid, in order that the same may be produced in or upon any civil or criminal proceeding, shall deliver to the person so applying for the same such certified copy, he or she paying for the same the sum of One shilling, and no more.

Such copy to be evidence.

XVII. And whereas in many cases it may be impossible, or highly inconvenient, for the Colonial Secretary to attend personally, in order to prove upon any trial or other proceeding the facts of the signing, swearing or affirming and delivering of any affidavit or affirmation, in the manner by this Act in that behalf prescribed; Be it therefore Enacted, That in all cases a copy of any such affidavit or affirmation, certified to be a true copy, under the hand of the Colonial Secretary, in whose possession the same shall then be, shall (upon proof that such certificate was signed by such Colonial Secretary) be received in evidence as, and shall be sufficient proof of, the contents of such affidavit or affirmation, and that the same was duly signed and sworn or affirmed and delivered according to this Act; and such certified copy shall have the same effect for the purposes of evidence, to all intents and purposes whatsoever, as if the original affidavit or affirmation, of which it purports to be a copy, had been produced in evidence, and been in the ordinary manner proved to have been so signed and sworn or affirmed and delivered, by the person or persons appearing by such copy to have sworn or affirmed the same.

A signed copy of every newspaper to be delivered to the Colonial Secretary.

XVIII. And be it further Enacted, That from and after the said First day of January the printer or publisher of every newspaper shall, upon every day upon which the same shall be published, or within Ten days afterwards, deliver to the Colonial Secretary, at his office, or to some person appointed by him there to receive the same, One copy of the newspaper so published, signed by the printer

printer or publisher thereof, with his name and place of abode; which newspaper shall be carefully kept by the said secretary, or such other person so appointed; for which said copies such printer or publisher shall be entitled to demand and receive from the Colonial Secretary, or such other person so appointed, once in every Three months, the amount of the ordinary price of the newspaper delivered during that period; and if the printer and publisher of any such newspaper shall neglect or omit to deliver one copy of such newspaper, in the manner hereinbefore directed, such printer and publisher shall, for every such offence, forfeit and pay the penalty or sum of One hundred pounds.

XIX. And be it further Enacted, That if any person shall make application to the Colonial Secretary, or other person so to be appointed as aforesaid, in order that a copy of any such newspaper, so signed as aforesaid, may be produced in evidence in or upon any proceeding, civil or criminal, the said secretary, or other person, shall, (at the expense of the person so applying,) at any time within Two years from the publication thereof, either cause the same newspaper to be produced, at the time and place for which the same is so required, or shall deliver the same to the person so applying; he, the said Colonial Secretary, or other person so appointed, taking, in his discretion, reasonable security (at the expense of the applicant) for the returning of the same newspaper to him within a reasonable time; and if, by reason of the same having been previously required by any other person for the like purpose, the said newspaper cannot then be so produced or delivered, then the Colonial Secretary, or the said other person so appointed, shall cause the same to be produced, or shall deliver the same so soon afterwards as he may be enabled so to do.

Such signed copy, when required as evidence, to be furnished to any applicant.

XX. And be it further Enacted, That if any person or persons shall file any bill in any court of equity for the discovery of the names of the persons concerned in the property of any such newspaper as aforesaid, as the printers, editors, or publishers thereof, or for the discovery of any matters relative to the printing or publishing thereof, in order to enable him, her or them the more effectually to bring or carry on any suit or action for damages by him or her alleged to have been sustained, by reason of any libellous matter contained in such newspaper, it shall not be lawful for any such defendant to plead or demur to such bill, but he or she shall be compellable to make the discovery thereby required: Provided, nevertheless, That such discovery shall not be made use of as evidence or otherwise in any other proceeding than that for which the discovery is made.

Concerning bills of discovery.

XXI. And be it further Enacted, That from and after the First day of March, One thousand eight hundred and twenty-nine, no person shall print or publish any newspaper until he or she shall have entered into a recognizance, before the Chief Justice of the Supreme Court of Van Diemen's Land, together with Two or Three sufficient sureties, to the satisfaction of the said Chief Justice, the person intending to print or publish such newspaper in the sum of Four hundred pounds, and his or her sureties in a like sum in the whole; conditioned, that such printer or publisher shall pay to His Majesty, His heirs and successors, every such fine or penalty as may at any time be imposed upon or adjudged against him or her, by reason of any conviction for printing or publishing any blasphemous or seditious libel, at any time after the entering into such recognizance; and every person who shall print or publish any newspaper, without having entered into such recognizance, with such sureties, shall for every such offence forfeit and pay the penalty or sum of Twenty pounds.

After 1st March 1829, printers to enter into a certain recognizance.

XXII. Provided always, and be it further Enacted, That if any such surety or sureties shall be at any time desirous of withdrawing from such recognizance, it shall be lawful for him or them so to do, upon giving Twenty days' previous notice in writing to the Colonial Secretary at his office, and also the like notice to the printer or publisher for whom he or they is or are surety or sureties; and that in such case, from and after the expiration of the said Twenty days, every such surety shall cease to be liable upon the said recognizance for any fine or penalty to be imposed or incurred in respect of any offence which may, after the said expiration of the said Twenty days, be committed by such printer or publisher, and for which fine or penalty the said surety or sureties would otherwise have been liable: Provided, That the giving of such notices shall not be deemed or taken, even after such expiration of the said term of Twenty days, to exempt any such surety from his liability under the said recognizance for the payment of any fines and penalties which may have been incurred or may be imposed in respect of any offence or offences com-

Sureties may withdraw on giving notice.

mitted by such printer or publisher before such expiration of such term, and for the payment of which such surety would have been liable in case such notice had not been given ; anything herein contained to the contrary notwithstanding.

A new recognizance to be there-upon entered into.

XXIII. And be it further Enacted, That after such notices so given as last aforesaid, and after the expiration of Twenty days from the day of the date of such notices, the person for whom any such surety shall have been bound shall not print or publish any such newspaper as aforesaid, until he or she shall have entered into a new recognizance, with sufficient sureties, in manner and to the amount aforesaid ; and if he or she shall, at any time after the said expiration of the said Twenty days, print or publish any such newspaper without having entered into such new recognizance as aforesaid, he or she shall forfeit and pay for every such offence the penalty or sum of Twenty pounds.

Provision in case of insolvent sureties.

XXIV. And be it further Enacted, That in case any surety in any such recognizance shall at any time afterwards be declared insolvent under any law containing any provision for declaring insolvencies, or shall be discharged under any law made or to be made for the relief of insolvent debtors, then the person for whom such surety shall have been bound shall not print or publish any such newspaper until he or she (the said printer or publisher) shall have entered into a new recognizance, with sufficient sureties, in the manner and to the amount aforesaid : Provided, That he or she shall be required so to do by a notice in writing, signed by the Colonial Secretary, and left at such place as is mentioned in the affidavit or affirmation last made, as the place at which the said newspaper to which such notice shall relate is printed : And in case he or she shall print or publish any such newspaper without having entered into such new recognizance, with sureties as aforesaid, (having been first required in manner aforesaid so to do,) he or she shall forfeit and pay for every such offence the penalty or sum of Twenty pounds.

A certificate of recognizance to be sent to Colonial Secretary.

XXV. And be it further Enacted, That a certificate of every first or original and every new recognizance which shall be entered into by virtue of this Act, shall be sent by the proper officer for recording the same to the Colonial Secretary, as soon after such recognizance shall be recorded as conveniently may be.

Recovery of penalties.

XXVI. And be it further Enacted, That all fines and penalties imposed by this Act, exceeding the sum of Twenty pounds, shall be recovered by action of debt in the Supreme Court of Van Diemen's Land ; wherein no essoign, protection, wager of law, or more than one imparlance, shall be allowed ; such penalty to be, when recovered, (as to one moiety thereof,) to and for the use of His Majesty, His heirs and successors, and (as to the other moiety) to and for the use of such person as shall first inform or sue for the same ; and that all fines and penalties imposed by this Act, not exceeding Twenty pounds, shall, on proof of the offence before any Two Justices of the Peace, (such offence to be by them heard and determined in a summary way,) be awarded and imposed by such Justices, and when imposed, shall go and be distributed, and all persons aggrieved by any summary judgment or conviction of such Justices shall be entitled to appeal therefrom, in the manner provided respectively in and by the Act, intituled, " An Act to regulate summary Proceedings " before Justices of the Peace."

GEO. ARTHUR.

Passed the Council, this 24th
day of December 1828.

John Montagu, Clerk of the Council.

Anno Decimo GEORGII IV. REGIS. No. 1.

AN ACT to remove Doubts as to the Validity of Acts or Ordinances in force on the Twenty-eighth day of February One thousand eight hundred and twenty-nine.

Preamble :

Acts or Ordinances passed by the Governor of New South Wales and Lieutenant Governor of

WHEREAS it is expedient to declare, That the Acts or Ordinances which were in force in the Colony on the Twenty-eighth day of February One thousand eight hundred and twenty-nine are still in force : Be it therefore Enacted and Declared, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, by and with the advice of the Legislative Council,

Council, That all Ordinances passed by the Governor of New South Wales, with the advice of the Legislative Council, and all Acts or Ordinances passed by the Lieutenant Governor of Van Diemen's Land, with the advice of the Legislative Council, which were in force in the Colony upon the Twenty-eighth day of February One thousand eight hundred and twenty-nine, shall be deemed and taken to have been in force since the said day, and shall be in force for the future as if their several provisions had been particularly re-enacted by this Act.

Van Diemen's Land, in force on the 28th day of February 1829, to be and remain in force from the said 28th day of February 1829.

GEORGE ARTHUR.

Passed the Legislative Council, this
20th day of January 1830.

W. T. Parramore, Clerk of the Council.

Anno Decimo GEORGII IV. REGIS. No. 2.

AN ACT to institute Courts of General and Quarter Sessions, and to extend the Authority thereof and of Justices of the Peace in certain Cases.

WHEREAS by an Act of Parliament passed in the Ninth year of the reign of His present Majesty, intituled, "An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto," provision is made for the institution of courts of general and quarter sessions within this Colony, by ordinances to be from time to time for that purpose made and enacted, and for the giving and granting to such courts power and authority to take cognizance, in a summary way, of crimes, misdemeanors and other offences or misconduct, not punishable by death, committed by felons or other offenders transported to this Colony, and whose sentences have not expired and have not been remitted; and also to take cognizance of all matters and things cognizable in courts of general and quarter sessions in England, so far as the circumstances and condition of the Colony shall require and admit: Provided always, That all crimes, offences and misdemeanors, not committed by such felons and other offenders as aforesaid, shall be prosecuted and tried before the said courts of general and quarter sessions respectively, in such and the same manner, and subject to all such and the same rules and regulations in every respect, as are in and by the said Act of Parliament made and prescribed with respect to trials before the Supreme Court of Van Diemen's Land:

Preamble:

9 Geo. 4. c. 83.

Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice and consent of the Legislative Council, That courts of general and quarter sessions shall be holden within this Island and its Dependencies, at such times and places as the Governor, Lieutenant Governor, or person for the time being administering the government of this Island, shall from time to time, by any proclamation or proclamations for that purpose issued, appoint.

The Governor to appoint the times and places when Courts of General and Quarter Sessions shall be holden.

II. And be it Enacted, That such courts respectively shall have power and authority to take cognizance of all matters and things cognizable in courts of general or quarter sessions in England, and shall possess all the powers and authorities incidental to courts of general or quarter sessions in England, so far as the circumstances and condition of this Island shall require and admit.

Courts to be similar to Courts in England.

III. And be it Enacted, That the said courts respectively shall have power and authority to take cognizance, in a summary way, of all crimes, misdemeanors and other offences or misconduct, not punishable by death, which have been or shall be committed by any felons or other offenders, who have been or shall be transported to this Island or its Dependencies, or who shall have been or shall be, within this Island or its Dependencies, sentenced or ordered to transportation, and whose sentences respectively shall not have expired or been remitted; and also of all crimes, misdemeanors and other offences and misconduct, not punishable by death, committed by any such felon or offender on board of any ship or vessel during the voyage to this Island, and the same crimes, misdemeanors and offences or misconduct, respectively, to punish by transportation beyond the sea, or otherwise, according to

Courts to have summary jurisdiction over convicts in all cases not capital.

law ; or, if such courts shall see fit, by extending for any period not exceeding Three years the time for which such felons or offenders may have been originally transported, or by imprisonment or hard labour, or imprisonment and hard labour for any time respectively not exceeding Three years, according to the nature and degree of such crimes, misdemeanors or offences respectively.

Summary jurisdiction of Three Magistrates.

IV. And be it Enacted, That no such court of general or quarter sessions shall exercise any of the aforesaid summary powers, jurisdictions and authorities over felons or other offenders, unless a number of not less than Three magistrates or Justices shall preside and remain as the sitting Justices during the whole time of the trial of any such felon or other offender.

Such Court, or any Justice or Justices, to have such jurisdiction over felons in certain cases.

V. And be it Enacted, That the said courts of general or quarter sessions, or any Justice or Justices of the Peace in and for the said Island, shall also have power and authority, in a like summary way, to take cognizance of all complaints made against any such felons or offenders so transported to or under sentence or order of transportation within this Island or its Dependencies, and whose sentences have not expired or been remitted, for drunkenness, disobedience of orders, neglect of work or duty, or absconding or deserting from the service of Government, or of his or her master, mistress or other employer, or for insubordination, indecent language, abusive language, profane swearing, indecent exposure of person, or other turbulent or disorderly conduct ; and all such offences or misconduct to punish by whipping or other corporal punishment, not extending to privation of life or member, or by hard labour, or by imprisonment, or solitary confinement, or by whipping and imprisonment, or imprisonment and hard labour, (so that no such punishment shall extend to any period beyond Three years,) according to the nature and degree of the offence or misconduct, and as the case may seem to require.

General or Quarter Sessions a jurisdiction in certain other cases.

VI. And be it Enacted, That the said courts of general or quarter sessions, or any Two Justices, shall also have power and authority, in a like summary way, to take cognizance of all complaints made against any such felons or other offenders for absconding or deserting from the service of Government, or of his or her overseer, master, mistress or other employer, or for insubordination, and all such offences to punish by any of the punishments in the preceding section, or by removal to some other part or place in the said Island or its Dependencies, or by removal and hard labour, together or separately, so that no such punishment shall extend to any period beyond Three years, or by extending for any period not exceeding Three years the time for which such felons or offenders may have been originally transported.

Magistrates to attend under a penalty.

VII. And be it Enacted, That it shall be lawful for the chairman of any such court of general or quarter sessions to cause any Justice or Justices of the Peace residing within Twenty miles of any place at which such court shall be appointed to be holden, to be served with a summons under his hand, in the form to this Act annexed, marked (A.) ; and if any such Justice, having been so served, shall not duly attend in obedience to such summons, he shall pay a fine for every such neglect of Ten pounds.

Proof of sentence of transportation.

VIII. And whereas it is expedient that the strict proof required by law of the conviction and sentence or order of transportation of a transported felon, or other offender, should for the purposes of this Act be dispensed with : Be it therefore Enacted, That in every case where a person charged before any such court, or Justices or Justice, with any such offence or misconduct as aforesaid, shall be proved to have been and to be a person ordinarily dealt with as and generally taken and reputed to be a felon or offender, under an unexpired and unremitted sentence or order of transportation, and such person shall not by some certificate or instrument, under the hand of some competent or authorized person in that behalf, or by some other mode of proof, show to the satisfaction of such court, or Justices or Justice, that such sentence or order hath expired or been remitted, such court, or Justices or Justice, shall and lawfully may have and exercise over such person the aforesaid summary powers, jurisdictions and authorities, or either of them, the non-production of the record of any such sentence or order of transportation, or of an examined copy thereof, in any such case notwithstanding ; and that no temporary or partial remission of sentence only by ticket of leave shall be deemed a remission of sentence within the meaning of this Act.

Return of all sentences within One month.

IX. And be it Enacted, That a return of all sentences imposed by every such court or Justice or Justices shall be made to the Governor, Lieutenant Governor or

or person for the time being administering the government of this Island, within One month from the time of the passing or pronouncing of such sentence.

X. And be it Enacted, That the Act made and passed with the advice of the Legislative Council, intituled, "An Act for the Transportation of Offenders from "Van Diemen's Land," and all powers and provisions therein contained, shall extend and be applied (so far as the same can be so applied) to every sentence or order of transportation, and to every sentence or order of removal, which shall be made or passed by any court of general or quarter sessions, or Justices of the Peace, as fully, amply and effectually, to all intents and purposes whatsoever, as the same Act, powers and provisions doth or do apply to sentences or orders of transportation made or passed by or in the Supreme Court of Van Diemen's Land; anything in the said last-mentioned Act contained to the contrary notwithstanding; and that every offender sentenced under this Act, by any such court or Justices, to transportation or removal as aforesaid, shall be liable to be dealt with in all respects the same as offenders are by or under the said last-mentioned Act liable to be dealt with.

Transportation Act of Council extended to sentences under this Act.

XI. And whereas, by an Act of Parliament passed in the Sixth year of the reign of His present Majesty, intituled, "An Act for punishing Offences committed by "Transports kept to Labour in the Colonies, and better regulating the Powers "of Justices of the Peace in New South Wales," certain powers, authorities and jurisdictions, (vested in the courts of general and quarter sessions, by another Act passed in the Fourth year of the reign of His said Majesty, intituled, "An Act to "provide until the First day of July One thousand eight hundred and twenty-seven, "and until the end of the next Session of Parliament, for the better Administration "of Justice in New South Wales and Van Diemen's Land, and for the more "effectual Government thereof, and for other Purposes relating thereto;") for the taking cognizance of certain crimes and misdemeanors committed by, and complaints made against felons and other offenders transported to New South Wales or its Dependencies, and whose sentences had not expired or been remitted, were vested in any one or more Justice or Justices of the Peace, to be by such Justice or Justices exercised in a summary way; which said Act of the Fourth year of His Majesty's reign hath since been repealed: Be it Enacted, That all sentences and orders, and all other matters and things whatsoever, which, since the time of the repeal of the said last-mentioned Act, shall have been passed or made or done or caused to be done by any and every Justice of the Peace in and for this Island, in the exercise or supposed exercise of any of the powers, authorities or jurisdictions aforesaid, or done or caused to be done by any other person under or in pursuance of the directions of any such Justice, shall be and be deemed to be and to have been as valid and lawful, to all intents and purposes whatsoever, as the same would have been in case the said Act of the Fourth year of His Majesty's reign had not been repealed, but the same Act and the said other Act of the Sixth year of His Majesty's reign had continued and been subsisting and in full force; and if any action or other proceeding shall at any time be brought or commenced against any such Justice or person for or in respect of any such sentence or order so passed or made, or matter or thing so done or caused to be done, he or she shall or may plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff in any such action be nonsuited or discontinue his or her action, or judgment shall in any manner be given against the plaintiff, the defendant shall have treble costs.

6 Geo. 4. c. 69.

4 Geo. 4. c. 96.

Indemnity to magistrates in certain cases.

Passed the Legislative Council, this
20th day of January 1830.

GEORGE ARTHUR.

W. T. Parramore, Clerk of the Council.

FORM (A.)

YOU are hereby summoned to attend on the
day of _____ at a Court of Quarter Sessions to be holden
[if by adjournment, say by adjournment] at
at _____ o'clock of the morning of the said day.

(signed)

A.B.

Chairman of the Quarter Sessions.

To

Magistrate of

Anno Decimo GEORGII IV. REGIS. No. 3.

AN ACT to institute Courts of Requests.

Preamble :

9 Geo. 4. c. 83.
sec. 18.

WHEREAS by an Act of Parliament passed in the Ninth year of the reign of His present Majesty, intituled, "An Act to provide for the Administration of Justice in "New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto," provision is made for the institution of courts of civil jurisdiction, to be called Courts of Requests, within this Colony, by laws or ordinances to be from time to time for that purpose made and enacted, and for giving and granting to such courts such power and authority as in the said recited Act is specified :

Courts of Requests
to be holden in cer-
tain districts.

Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That courts of civil jurisdiction, to be called Courts of Requests, shall be holden within this Island and its Dependencies, in and for the several and respective police districts of Hobart Town, Launceston, New Norfolk, Oatlands, Campbell Town, Richmond and Norfolk Plains, the extent and limits of which districts shall be defined and made public by a proclamation, to be issued for that purpose by his Excellency the Lieutenant Governor; and that such courts shall be holden at such places, within the said respective districts, as the commissioner or commissioners of the said respective courts shall from time to time direct and appoint: Provided always, That every such court shall be holden for despatch of business on some day in the first week in every calendar month: Provided also, That the commissioner of every such court may adjourn the sittings of such court, from time to time, to such other day or days in the same month as to him may appear necessary or expedient.

Courts to have pro-
per officers.

II. And be it Enacted, That each of the said courts respectively shall be holden by a commissioner, and shall have such ministerial or other officers as shall be necessary for the administration of justice in the said courts respectively, and for the execution of the judgments, orders and process thereof; and the said ministerial or other officers shall from time to time be appointed to and removed from their respective offices in such manner as the Lieutenant Governor, or person for the time being administering the government of this Colony, shall direct.

Powers and autho-
rities of such courts.

III. And be it Enacted, That the said courts respectively shall have full power and authority to hear and determine in a summary way all actions, complaints and suits for the payment or recovery of any debt, damages or matter not exceeding Ten pounds sterling, and to award costs therein.

Where the cause of
action exceeds Ten
pounds, the judg-
ment to be final.

IV. And be it Enacted, That if any person shall commence and prosecute any action, complaint or suit in any such court, where the cause of such action, complaint or suit shall exceed in amount the sum of Ten pounds, the said court may proceed therein; but in such case the judgment of the said court shall be a full and complete bar to the whole of such demand or cause of action, and be a bar to any action, complaint or suit which may be brought thereon in the same or any other court whatsoever: Provided, That in no case shall the sum awarded, exclusive of costs, exceed the sum of Ten pounds.

Exception where
future rights are af-
fected.

V. Provided always, and be it Enacted, That the said courts shall not have power and authority to hear and determine any such action, complaint or suit, where the matter in question shall relate to the title to any lands, tenements or hereditaments, or to the taking or demanding of any duty payable to His Majesty, or to any fee of office, annual rent or other such matter, where rights in future may be bound, or to any general right or duty; any thing hereinbefore contained to the contrary notwithstanding.

Execution of judg-
ment.

VI. And be it Enacted, That the determination and award of such Courts of Requests, in all cases within their respective jurisdictions, shall be final and conclusive, and may be pleaded in bar to any and every subsequent action or suit for the same cause; and such determination or award shall and may, at the discretion of any such court, be carried into execution, either by attachment and sale of the goods and effects, or by corporal arrest of the party or parties against whom such determination or award shall be made: Provided always, That it shall be lawful, at the discretion of the commissioner of any such court, to stay any such execution or arrest, for any time, and from time to time, as he may think reasonable and just.

VII. And

VII. And be it Enacted, That if any action or suit for any debt or sum certain, recoverable in any Court of Requests so instituted, (not being the balance on any accounts or account originally exceeding Fifty pounds,) shall be commenced in the Supreme Court of Van Diemen's Land, the plaintiff in such action or suit shall not have or be entitled to any costs whatsoever; and if the Judge before whom the same action or suit shall have been tried or heard shall certify that such debt or sum ought to have been sued for in one of the said Courts of Requests, then the defendant, notwithstanding any verdict or judgment passed or given for the plaintiff, shall have and be entitled to his costs and to execution for the same, in like manner as if the verdict or judgment had been passed or given in favour of such defendant; or if the verdict shall have been in favour of such defendant, then he or she shall have and be entitled to double costs.

No costs in the Supreme Court in certain cases.

VIII. And be it Enacted, That no order, judgment or proceeding in any such Court of Requests shall be quashed or vacated for want of form only, nor shall any action, plaint or suit, or any proceeding therein, be removed into the Supreme Court of Van Diemen's Land by any writ or process whatsoever.

No proceedings to be quashed for want of form.

IX. And be it Enacted, That all writs or process issued by any such Court of Requests shall be executed by the proper officer of such court, in any part or place of this Island or its Dependencies, and in the same way and manner in all respects as writs or process of a similar nature issuing out of the Supreme Court of Van Diemen's Land are or may be executed by the sheriff; and every such officer shall, for the purpose of enabling him to perform the duties of such his office, have the same powers and authorities, and also be subject to the same liabilities, as a sheriff in the exercise of the duties of his office.

Process to be executed by the proper officer.

X. And be it Enacted, That defendants shall in general be summoned only to the courts which shall be held for the districts where they or some of them reside, excepting in cases where the cause of action has occurred in another district wherein the plaintiff resides; in which last-mentioned cases it shall be lawful for the plaintiff, if he shall think proper so to do, to commence and prosecute his suit in the court which shall be held for the district where he himself resides.

Defendants only to be summoned who reside within the district.

XI. And be it Enacted, That the judgment of any of the said courts may and shall be carried into execution in any district or place whatsoever, within the said Colony or any of its Dependencies, where the defendant or any of his goods and chattels may be met with.

Execution to be over the Colony.

XII. And be it Enacted, That each of the said courts shall have such like and the same powers of compelling the attendance of witnesses before such court, and of requiring and compelling the production of books and writings as are now possessed by the Supreme Court of Van Diemen's Land, and to order any prisoner who shall be a necessary and material witness in any matter pending in such court to be brought before such court; and also that it shall be lawful for any of the said courts to punish in a summary way, by fine or imprisonment, any person or persons guilty of any contempt before any such court.

Attendance of witnesses.

XIII. And be it Enacted, That in all cases where any defendant shall be charged in execution by any such Court of Requests, it shall be lawful at any time, and from time to time, for the commissioner of such court, on the application by or on behalf of such prisoner, if it shall appear to be necessary for his or her support, or if his or her imprisonment shall appear to be oppressive, to order the creditor or creditors at whose suit he or she shall be so imprisoned, to pay to such prisoner such weekly sum or sums of money, at such times and in such manner and in such proportions as the said commissioner shall direct; and on failure of payment thereof as directed, the said commissioner shall order such prisoner to be forthwith discharged from custody at the suit of the creditor or creditors so failing to pay the same.

The court may order the creditors to pay a prisoner in execution an allowance.

XIV. And be it Enacted, That every sheriff, gaoler, keeper or other officer of any prison, or any person whatsoever who shall do any thing in obedience to any legal order of any such court, shall be and is and are hereby indemnified for whatsoever shall be done by them respectively in obedience thereto, and that if any action of escape, or any suit or action be brought against any commissioner, sheriff, gaoler, keeper of any prison, or any person, for performing the duty of his office in pursuance of this Act, such commissioner, sheriff, gaoler, keeper of prison, and

Sheriffs and other persons indemnified for obeying the orders of the court.

If action for escape, &c. brought, general issue may be pleaded, and this Act given in evidence.

other person may plead the general issue, and give this Act and the special matter in evidence, and if the plaintiff be nonsuited, or discontinue his or her action, or a verdict shall pass against him or her, or judgment shall be had for the defendant upon demurrer, the defendant shall have treble costs.

GEORGE ARTHUR.

Passed the Legislative Council, this
20th day of January 1830.

W. T. Parramore, Clerk of the Council.

Anno Decimo GEORGII IV. REGIS. No. 4.

AN ACT to regulate the Slaughtering of Sheep and Cattle.

Preamble.

Persons slaughtering cattle, &c. or selling meat without license.

Magistrates to grant such license.

Penalty.

Penalty on persons slaughtering without giving notice and information to the inspector.

Persons may slaughter for their family and servants.

Fees to be taken by inspector.

Penalty.

Lieutenant Governor to appoint public slaughter-houses.

Penalty on persons slaughtering elsewhere.

WHEREAS it is expedient to regulate the slaughtering of sheep and cattle:

Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That if any person, after the First day of March next, shall slaughter or cause to be slaughtered any sheep or cattle for sale, or shall sell or cause to be sold any meat, being the carcass or part of the carcass of any sheep or cattle, without having obtained a proper annual license, the duration of which license shall, without reference to the time when granted, be until the First day of January next ensuing the date thereof, and no longer, from the police magistrate of the district in which such person resides, who is hereby authorized and required to grant such license under his signature, in the form as near as may be to this Act annexed, marked (A.), and to charge and receive for the same the sum of Five shillings; such person shall pay a fine of not less than Ten pounds, nor more than Fifty pounds.

II. And be it Enacted, That if any person shall slaughter or cause to be slaughtered, any sheep or cattle for sale, without giving sufficient notice thereof to the inspector of stock, or other person appointed to act as inspector of stock, in or for the district in which such person resides, to enable him to inspect the same before the same shall be slaughtered, or without giving opportunity and permission to such inspector or person so to inspect such animals, or shall refuse or neglect to give to such inspector or person, immediately upon being by him requested so to do, the christian and surnames and residences, respectively, as well of the owner or owners of such animals, as of the person or persons from whom he or she received the same animals, such person shall pay a fine of not less than Five pounds, nor more than Fifty pounds.

III. Provided also, and be it further Enacted, That nothing hereinbefore contained shall extend to affect any person who shall slaughter or cause to be slaughtered any sheep or cattle for the consumption of the family, servants or hired workmen of such person.

IV. And be it Enacted, That it shall be lawful for each such inspector of stock, or person appointed to act as such inspector, to demand and receive from the person giving such notice to him as aforesaid, for inspecting each head of cattle, the sum of Sixpence, and no more; and for inspecting each score of sheep, the sum of Ten-pence, and no more; and so in proportion for a less number; and if such person shall not immediately upon demand pay the amount of such charges, he or she shall, over and above the amount of such charges, pay a fine of not less than Twenty shillings, nor more than Five pounds, unless such person shall show a reasonable cause or excuse for his neglect, to the satisfaction of the sitting Justices before whom the offence shall be inquired into.

V. And be it Enacted, That it shall be lawful for the Lieutenant Governor, or person for the time being administering the government of this Colony, by any proclamation or proclamations for that purpose issued from time to time, to declare and appoint one or more public slaughter-house or houses for the slaughtering therein of sheep, pigs and cattle, in and for any town or place; and if any person shall thereafter slaughter or cause to be slaughtered any sheep or cattle for sale in any such town or place, or any pigs for sale in Hobart Town or Launceston, excepting in

in some public slaughter-house so appointed in or for such town or place, such person shall pay a fine for each offence of not less than Ten pounds, nor more than Fifty pounds.

VI. Provided always, and be it Enacted, That nothing hereinbefore contained shall extend to or affect any person in respect of any animal slaughtered, in any case where humanity enjoins its immediate death: Provided, That in every such case the person so slaughtering shall, as soon as possible afterwards, give notice thereof to the nearest inspector or person appointed as such inspector, and shall produce to him the ears and entire skin of such animal. Animals wounded excepted.

VII. And be it Enacted, That if any person shall bring or cause to be brought any sheep or cattle into Hobart Town or Launceston, respectively, intended to be slaughtered for the supply of such town, or of any vessels near such town, or intended for exportation or sale in either of such towns, without giving or causing to be given, within six hours after the arrival of such sheep or cattle in the said town, or shall sell or cause to be sold in either of such towns any sheep or cattle, without giving or causing to be given, at the least six hours before the intended sale, sufficient notice of such arrival or intended sale, as the case may be, to the inspector of stock or other person appointed to act as inspector of stock in or for such town, so as to enable such inspector to inspect the same before the same shall be slaughtered or sold, or without giving opportunity and permission to such inspector or person so to inspect such animals, or shall refuse or neglect to give to such inspector or person, immediately upon being by him requested so to do, the christian and surnames and residences, respectively, as well of the owner or owners of such animals, as of the person or persons from whom he or she received the same animals, such person shall pay a fine of not less than Five pounds, nor more than Fifty pounds. Persons bringing sheep or cattle into Hobart Town or Launceston.

Penalty.

VIII. And be it Enacted, That if any person shall bring or cause to be brought into Hobart Town or Launceston respectively any meat intended for sale, being the carcass or part of the carcass of any sheep or cattle not having been killed in some public slaughter-house appointed in or for such town, or if any person shall sell or cause to be sold in such town any such meat as last aforesaid, such person shall pay a fine of not less than Five pounds, nor more than Fifty pounds. Carrying meat for sale to Hobart Town or Launceston. Selling meat in Hobart Town or Launceston not killed in a public slaughter-house.

Penalty.

IX. And be it Enacted, That if any person shall convey or cause to be conveyed, or receive, or cause to be received on board any ship or vessel, any sheep, pigs or cattle, without giving sufficient notice thereof to the inspector of stock or other person appointed to act as inspector of stock in or for the place nearest to which such ship or vessel may then be, to enable him to inspect the same before their embarkation, or without giving opportunity and permission to such inspector or person so to inspect such animals, or shall refuse or neglect to give such inspector or person, immediately upon being by him requested so to do, the christian and surnames and residences, respectively, as well of such person giving notice as of the owner or owners of such animals, such person shall pay a fine of not less than Ten pounds, nor more than Twenty pounds. Conveying or receiving cattle on board ships.

Penalty.

X. And be it Enacted, That it shall be lawful for any Justice of the Peace, or any chief district constable, or any inspector of stock, either alone or attended by petty constables or other officers, upon demand to enter and search the house or premises of any person licensed under this Act, at any hour, by day or night; and if admittance be refused or wilfully delayed, such person shall pay a fine of not less than Five pounds, nor more than Fifty pounds. Power to enter the premises of licensed persons.

XI. And be it Enacted, That if any such inspector shall have reasonable cause of suspicion that any sheep or cattle he is inspecting have been stolen, such inspector may seize and detain such sheep or cattle, and he is hereby directed forthwith to report such seizure and the grounds thereof to a Justice of the Peace, who shall make such order as the justice of the case may require; and if any action or suit be brought against any inspector for so seizing any such sheep or cattle, such inspector may plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff be nonsuited or discontinue his or her action, or a verdict shall pass against him or her, or judgment shall be had for the defendant upon demurrer, the defendant shall have treble costs. Inspector may seize suspected sheep or cattle.

If action against inspector, the general issue may be pleaded.

XII. And be it Enacted, That if any person licensed under this Act shall put, place or throw, or shall cause or suffer to be put, placed or thrown, or shall permit to remain any skins, offal, horns or blood, or other part whatsoever of any animal, Allowing offal, &c. to remain in or near any public place.

Penalty.

in or on any public street or place, or in or on his or her own premises, or any other place whatsoever where the same shall occasion or be likely to occasion public annoyance, such person shall pay a fine of not less than Twenty shillings, nor more than Fifty pounds.

Cattle, &c. to be driven through Campbell-street.

XIII. And be it Enacted, That if any person shall drive or cause to be driven into Hobart Town any sheep or cattle from the direction of New Town, except through Campbell-street, such person shall pay for every animal so driven a fine of not less than Five shillings, nor more than Twenty shillings.

Proceedings under this Act to be in a summary way.

XIV. And be it Enacted, That all offences against this Act not otherwise provided for, shall or may, upon information in that behalf exhibited, be in a summary way heard and determined by any Two Justices of the Peace, and all fines and penalties in respect of the same be awarded and imposed by any Two Justices; and that if any person shall feel aggrieved by the summary judgment or conviction of any Justices under this Act, such person shall be entitled to appeal from such judgment or conviction in the manner in that behalf provided by an Act, intituled, "An Act to regulate summary Proceedings before Justices of the Peace."

Appeal allowed.

Application of duties.

XV. And be it Enacted, That the amount of all and singular the fees or sums of money paid or payable for licenses under and by virtue of this Act shall be reserved, and the same fees and sums are hereby reserved to His Majesty, His heirs and successors, for defraying the expense of erecting slaughter-houses, and for defraying other expenses which shall be occasioned by the provisions of this Act, and shall go to and be applied in aid of the Colonial Fund of this Island, for that purpose accordingly.

GEORGE ARTHUR.

Passed the Legislative Council, this
20th day of January 1830.

W. T. Parramore, Clerk of the Council.

FORM (A.)

WHEREAS *A. B.* of _____ hath applied to me for a license to slaughter sheep, pigs and cattle, and sell meat at his house situate in _____ and the said *A. B.* hath also paid to me the sum of Five shillings, being the duty on such license; therefore I do, in pursuance of the Act of his Excellency Colonel George Arthur, intituled, "An Act to regulate the slaughtering of Sheep and Cattle," grant to the said *A. B.* this license to slaughter sheep, pigs and cattle, under the provisions of the said Act, and to sell meat at his house situated in _____ and not elsewhere, and this license is to continue in force from the date hereof until the Thirty-first day of December, and no longer.

Anno Decimo GEORGII IV. REGIS. No. 5.

AN ACT for extending to this Colony an Act of Parliament, passed in the Tenth Year of the Reign of His present Majesty, intituled, "An Act for the Relief of His Majesty's Roman Catholic Subjects."

Preamble :

WHEREAS it is expedient to prevent doubts as to whether the Act of Parliament passed in the Tenth year of the reign of His present Majesty, intituled, "An Act for the Relief of His Majesty's Roman Catholic Subjects," extends to this Colony :

10 Geo. 4. c. 7. extended to this Colony.

Be it therefore Declared and Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and the Dependencies thereof, by and with the advice of the Legislative Council, That the said Act doth and shall extend to and shall be applied within this Island and its Dependencies, so far as the same can be applied.

GEORGE ARTHUR.

Passed the Legislative Council, this
20th day of January 1830.

W. T. Parramore, Clerk of the Council.

Anno Decimo GEORGII IV. REGIS. No. 6.

AN ACT to extend to this Colony certain Acts of Parliament, whereby pecuniary Penalties are inflicted, which are made applicable only to some local Purpose, and to facilitate Proceedings before Justices of the Peace in such cases.

WHEREAS by the Act passed in the Ninth year of the reign of His present Majesty, intituled, "An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto," it is provided, That all laws and statutes in force within the realm of England at the time of the passing of that Act, (not being inconsistent therewith, or with any charter or letters patent which might be issued in pursuance thereof,) shall be applied in the administration of justice in the courts of New South Wales and Van Diemen's Land respectively, so far as the same can be applied within the said Colonies: And whereas, notwithstanding the said provision of the said Act, many Acts or parts of Acts of Parliament, inflicting pecuniary penalties in certain cases, cannot be applied in the administration of justice in this Colony by virtue of the said provision of the said Act, because the pecuniary penalties or sums of money so inflicted or leviable by the said Act or parts of the Acts are directed to go and be applied to the overseer of the poor of some parish, or to the treasurer of some county, or otherwise in aid of the county rates, or are to be demanded by the churchwardens of some parish, or some other person or persons in particular of or in some county, place or parish, or are made applicable for the benefit of some parish or persons in some parish, or for some charitable institution, or some other local fund or purposes; and it is expedient to extend such Acts and parts of Acts to this Island and its Dependencies:

Preamble :
9 Geo. 4. c. 83.

Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and the Dependencies thereof, by and with the advice of the Legislative Council, That in all cases where any Act of Parliament, or section of any Act of Parliament, inflicting a pecuniary penalty, cannot be applied in the administration of justice in this Colony, notwithstanding the aforesaid provision in the said Act of the Ninth year of His Majesty's reign, by reason that the pecuniary penalties or penalty, inflicted or leviable by the same Act or Section, are or is made applicable to some local purpose as aforesaid, or are or is to be demanded by any churchwardens or other person or persons in particular of or in some county, place or parish, the same Act or Section shall, notwithstanding, extend and be deemed to extend to this Island and its Dependencies, and shall be applied in the administration of justice accordingly; and the pecuniary penalty or penalties and sum or sums of money inflicted or leviable by virtue of the same Act or Section, as aforesaid, shall be payable and paid to or for the use of, and the same penalties and sums are hereby reserved to or for the use of His Majesty, His heirs and successors, and to and for no other use or purpose whatsoever; and where any such demand as aforesaid shall have been made necessary, every such demand may be made on behalf of His Majesty, His heirs and successors, by any Justice of the Peace or chief constable; any thing in any such Act or Section to the contrary notwithstanding: Provided always, That in every such case as aforesaid, but for such demand being so as aforesaid directed to be made, or but for such penalty being so as aforesaid made applicable to a local purpose, the same Act or Section could and might be or have been applied in the administration of Justice within this Colony, by virtue of the aforesaid provision of the said Act of the Ninth year of His Majesty.

Act extended to this Colony.

II. And be it Enacted, That whenever a conviction shall take place within this Island or its Dependencies, under any such Act or Section as aforesaid, and no particular form for the record thereof shall, by such Act or Section or any other Act, have been directed in that behalf, or such form cannot be strictly followed; such record may, in all cases, be drawn up in the manner and form prescribed, or any words to the same effect, *mutatis mutandis*, by the Act of Parliament passed in the Third year of the reign of His present Majesty, intituled "An Act to facilitate summary Proceedings before Justices of the Peace and others."

General form of conviction.

3 Geo. 4. c. 23.

One Justice may receive original information, &c. where Two or more Justices, &c. to determine.

III. And be it Enacted, That in all cases where Two or more Justices are authorized and required to hear and determine any complaint under any such Act or Section, One Justice shall be competent to receive the original information or complaint, and to issue the summons or warrant requiring the parties to appear before Two or more Justices of the Peace, as the case may require; and after examination upon oath into the merits of the said complaint, and the adjudication thereupon by any such Two or more Justices being made, all and every the subsequent proceedings to enforce obedience thereto, or otherwise, whether respecting the penalty, fine, imprisonment, costs, or other matter or thing, may be enforced by either of the said Justices, or any other Justice of the Peace, in the like manner as if done by Two or more Justices who so heard and adjudged the said complaint; and where the original complaint or information shall be made to any Justice or Justices of the Peace, different from him or them before whom the same shall be heard and determined, the form of conviction shall be made conformable and according to the fact.

Where the merits have been tried, conviction not to be set aside for defect in form.

IV. And be it Enacted, That in all cases where it appears by the conviction, that the defendant has appeared and pleaded, and the merits have been tried, and that the defendant has not appealed against the said conviction, where an appeal is allowed, or if appealed against, the conviction has been affirmed, such conviction shall not afterwards be set aside or vacated in consequence of any defect of form whatever, but the construction shall be such a fair and liberal construction as will be most agreeable to the substantial justice of the case.

GEORGE ARTHUR.

Passed the Legislative Council, this
20th day of January 1830.

W. T. Parramore, Clerk of the Council.

Anno Decimo GEORGII IV. REGIS. No. 7.

AN ACT for the Institution of Houses of Correction, and for other Purposes relating thereto.

Preamble.

WHEREAS, until further arrangements shall be made, it is expedient to provide for the better execution of all sentences of imprisonment and hard labour passed in this Colony, and for the better custody of debtors:

The Penitentiary to be for males.

Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That from and after the passing of this Act, the present buildings or places at Hobart Town and Launceston used for the reception of male offenders transported from Great Britain and in the service of Government, and commonly called Penitentiaries, shall be to all intents and purposes respectively houses of correction, for the reception and confinement of males who shall be sentenced by any Court or Justice or Justices to imprisonment and hard labour, or to hard labour or imprisonment only; and that the building and place at present used at Hobart Town for the reception of female offenders transported from Great Britain and in the service of Government, commonly called the Factory, shall be to all intents and purposes a house of correction for the reception and confinement of females who shall be sentenced by any Court or Justice or Justices to imprisonment and hard labour.

The Factory to be for females.

The keepers to be gaolers.

II. And be it Enacted, That the officer or other person for the time being, by whatever denomination known, who shall have the charge, care or superintendence of such penitentiaries or factory as aforesaid, shall respectively have, for the purposes of enabling him to perform the duties of such his office, the same powers and authorities as are incident to the office of sheriff or gaoler.

Common gaols to be houses of correction.

III. And be it Enacted, That the gaols, buildings and places now used as gaols for the reception and confinement of prisoners at Hobart Town, Launceston, Richmond, Bothwell, New Norfolk, Oatlands, Campbell Town, Latour and Swansea, shall respectively be and be deemed and taken to have been legal gaols, and shall be to all intents and purposes houses of correction as well as public gaols.

IV. And

IV. And be it Enacted, That where any Act of Parliament in force, or which, if there were within this Island a house of correction within the meaning of such Act, would be in force, and might be applied within this Island, shall authorize or direct, or shall have authorized or directed, a committal of any offender or person to a house of correction, or a sentence of solitary confinement or of imprisonment and hard labour, a committal may be made to, and a sentence of solitary confinement or of imprisonment and hard labour may be carried into effect in, either of the said gaols or houses of correction so by this Act instituted as aforesaid, (if the offender or person be a male,) or to and in the said factory or house of correction of females (if the offender or person be a female); and that every such gaol and house of correction so by this Act instituted shall for those purposes be and be deemed to be houses of correction respectively within the intent and meaning of every such Act of Parliament.

Where an Act of Parliament shall have authorized imprisonment in a house of correction, such sentence may be carried into effect in either of such gaols or houses of correction.

V. And be it Enacted, That all prisoners now confined and imprisoned in the said gaols, or who shall or may at any time hereafter be committed to or be liable to be imprisoned in any of the said gaols, shall or may be imprisoned in any of the said gaols at the discretion of the sheriff of Van Diemen's Land, and as he shall deem expedient or necessary for the general safety and advantage of such prisoners; and the sheriff for the time being shall have the power of removing any person or persons who may now be or may hereafter be confined in any of the said gaols to and from each other as often and whenever he shall deem removal necessary and expedient.

Prisoners may be confined in or removed to and from the said gaols.

VI. And be it Enacted, That it shall be lawful for the Lieutenant Governor or person for the time being administering the government, when and as often as he shall think fit, to order any male person under any such sentence of imprisonment and hard labour, at any time and from time to time during such sentence, to be removed and kept to hard labour in chains, or otherwise secured, as may be deemed most expedient, upon the high roads or other public works.

The Lieutenant Governor from time to time to order any person under sentence of imprisonment and hard labour to be worked on the public works.

VII. And be it Enacted, That if any person shall convey, carry or bring, or attempt to convey, carry or bring, into any such gaol or house of correction, any spirituous or fermented liquor, or if any person shall convey or attempt to convey, or cause to be conveyed or attempted to be conveyed, into any such gaol or house of correction, without the consent of the gaoler thereof, any food, tobacco, clothing, or other articles of the like nature, or shall hold or attempt to hold any communication by letter or otherwise with any prisoner who may be confined within any such gaol or house of correction, without the consent of the gaoler or keeper thereof, it shall be lawful for the gaoler, keeper, turnkey, or any other of the assistants to the said gaoler or keeper, to apprehend or cause to be apprehended such offender, and to carry him or her before a Justice of the Peace; and such person shall pay a fine for every such offence, over and above any other punishment to which he may by law be liable, of not less than Two pounds, nor more than Fifty pounds.

Carrying spirituous liquors, &c. in gaol or house of correction.

Punishment.

VIII. And be it Enacted, That if any gaoler or keeper of any such gaol or house of correction shall sell, use, lend or give away, or knowingly permit or suffer to be sold, used, lent or given away in such prison, or brought into the same, any spirituous or fermented liquor, he shall, for every such offence, over and above any other punishment to which he may by law be liable, pay a fine of not less Five pounds, nor more than One hundred pounds.

Gaoler or keeper selling or permitting sale or use of spirituous liquors.

Punishment.

IX. And be it Enacted, That if any person shall convey or cause to be conveyed, into any such house of correction or gaol, any instrument or arms proper to facilitate the escape of any prisoners; and the same shall deliver or cause to be delivered to any prisoner in such house of correction or gaol, or to any other person there, for the use of any such prisoner, without the consent or privity of the keeper of such house of correction or gaol, every such person shall be deemed to have delivered such instrument or arms with intent to aid and assist such prisoner to escape or attempt to escape; and if any person shall, by any means whatever, aid and assist any prisoner to escape or in attempting to escape from any such house of correction or gaol, every person so offending, whether an escape be actually made or not, shall be guilty of felony, and being convicted thereof, shall be transported beyond the seas for any term not exceeding fourteen years, in like manner as other offenders now are or may hereafter be, within this Island, liable to be transported.

Conveying instruments, &c. into prisons to assist prisoners to escape.

Assisting prisoners to escape.

Transportation.

Proceedings under this Act to be in a summary way.

Appeal allowed.

In action for executing Act, general issue.

Double costs.

X. And be it Enacted, That all offences against this Act not otherwise provided for, shall or may, upon information in that behalf exhibited, be in a summary way heard and determined; and all fines and penalties in respect of the same shall be awarded and imposed by any Justice of the Peace; and that if any person shall feel aggrieved by the summary judgment or conviction of any Justice under this Act, such person shall be entitled to appeal from such judgment or conviction, in the manner in that behalf provided by the Act, intituled, "An Act to regulate summary Proceedings before Justices of the Peace."

XI. And be it Enacted, That if any suit or action shall be prosecuted against any person for any thing done in pursuance of this Act, such person may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done by authority of this Act; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuited, or discontinue his or her action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff; the defendant shall receive double costs, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

GEORGE ARTHUR.

Passed the Legislative Council, this
20th day of January 1830.

W. T. Parramore, Clerk of the Council.

Anno Decimo GEORGII IV. REGIS. No. 8.

AN ACT for amending the Laws to prevent the harbouring of Felons or other Offenders, and to restrain their Tippling and Gambling.

Preamble.

WHEREAS the laws at present in force to prevent the harbouring of Felons and other Offenders, and to restrain their tippling and gambling, require amendment:

Sir Thomas Brisbane's Act, 5 Geo. 4. No. 3, repealed.

Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That from and after the First day of March next, the Act of his Excellency Sir Thomas Brisbane, intituled, "An Act to prevent the harbouring of runaway Convicts, and the encouraging of Convicts' Tippling and Gambling," be repealed, so far as respects this Island, or any of its Dependencies, except as to offences and other matters committed or done before or upon the said First day of March next, which shall be dealt with and punished as if this Act had not been passed.

Persons harbouring or persuading others to harbour, to be fined.

II. And be it Enacted, That if any person shall in any manner harbour, conceal, secrete or rescue any felon or other offender who has been or shall be transported to this Island or its Dependencies, or who shall have been or shall be, within this Island or its Dependencies, sentenced or ordered to be transported, and whose sentence shall not have expired or been remitted, who has or shall have run away, absconded or deserted from the service of the Government, or his or her master, mistress or other employer, or shall in any manner cause, aid, assist or persuade any such felon or other offender to run away, abscond or desert as aforesaid, or shall in any manner cause, persuade or induce any person to commit any of the aforesaid offences, such person shall pay to our lord The King a fine of not less than Twenty shillings, nor more than Fifty pounds.

Persons aiding or employing offenders illegally at large to be fined.

III. And be it Enacted, That if any person shall in any manner counsel, aid, assist, employ or provide with lodging, food, clothes or sustenance, or shelter or protect any such felon or other offender who has so absconded or deserted as aforesaid, or shall in any manner cause, persuade or induce any person to commit any of the aforesaid offences in this Section mentioned, with intent in any of such cases to aid or assist such felon or other offender to remain illegally at large, such person shall pay a fine of not less than Five pounds, nor more than One hundred pounds.

IV. And

IV. And be it Enacted, That if any householder shall be desirous in any manner to counsel, aid or assist or employ or provide with lodging, food, clothes or sustenance, or shelter or protect any person whom he fears to be a felon or other offender who has run away, absconded or deserted as aforesaid, it shall be lawful for such householder to apply to any Justice of the Peace of the district where such householder resides, to inquire into the fact whether such suspected person has or has not run away, absconded or deserted as aforesaid, and such Justice of the Peace is hereby authorized and required upon such application forthwith to cause every such suspected person to come before him, and to inquire into such fact as aforesaid; and if it shall appear to the satisfaction of the said Justice, that such suspected person is not at large contrary to this Act, such Justice shall grant a certificate to such effect, under his hand, to such householder, and such Justice of the Peace is hereby required to send to the police magistrate of his district, within Ten days after the granting of such certificate aforesaid, a full and particular report of the description of such suspected person: Provided always, That no Justice of the Peace shall grant such certificate where such householder resides within Five miles of a police magistrate, who in such case is to grant such certificate.

Magistrates in certain cases to grant certificates of supposed freedom.

V. And be it Enacted, That if any such householder, charged with any of the offences in the last Section mentioned, produces such certificate as aforesaid, he shall not be liable to any fine or fines as aforesaid, unless it can be proved that such householder, at the time he committed the offence, believed or knew such certificate not to have been true.

Effect of certificate.

VI. And be it Enacted, That if any occupier or person in possession of any house, hut or land, shall receive in or on such house, hut or land, or in or on any of the premises belonging to such house, hut or land, for the purpose of drinking or gambling, or shall knowingly permit to remain or be drinking and gambling in or on either of such places, any felon or other offender, who has been or shall be transported to this Island or its Dependencies, or who shall have been or shall be within this Island or its Dependencies sentenced or ordered to be transported, and whose sentence shall not have expired or been remitted, such occupier or person in possession shall for every such offence pay a fine of not less than Two pounds, and not exceeding Fifty pounds: Provided always, That nothing herein contained shall extend to any person receiving in either of such places any such felon or other offender who is travelling with a regular pass, or in attendance upon or having the written authority of his or her master, mistress or employer, for the purpose of supplying such felon or other offender with reasonable refreshment.

Penalties on persons allowing convicts in their houses to drink and gamble.

VII. And be it Enacted, That if any occupier or person in possession of any house, hut or land, shall with culpable negligence receive in or on such house, hut or land, or in or on any of the premises belonging to such house, hut or land, or shall with culpable negligence permit to remain or be in or on either of such places, any felon or other offender who has been or shall be transported to this Island or its Dependencies, or who shall have been or shall be within this Island or its Dependencies sentenced or ordered to be transported, and whose sentence shall not have expired or been remitted, such occupier or person in possession shall, for any such offence, pay a fine of not less than Twenty shillings, and not exceeding Twenty pounds.

Persons allowing convicts to be on their premises to be fined.

VIII. And be it Enacted, That all offences against this Act, not otherwise provided for, shall or may, upon information in that behalf exhibited, be in a summary way heard and determined, and all fines and penalties in respect of the same be awarded and imposed by any Two Justices; and that if any person shall feel aggrieved by the summary judgment or conviction of any Justices under this Act, such person shall be entitled to appeal from such judgment or conviction in the manner in that behalf provided in and by the Act, intituled, "An Act to regulate summary Proceedings before Justices of the Peace."

Appeal allowed.

IX. And be it Enacted, That it shall be lawful, upon information on oath being made before any Justice of the Peace by any credible person, that he or she doth suspect or believe that any such felon or other offender who has been or shall be transported to this Island or its Dependencies, or who shall have been or shall be within this Island or its Dependencies sentenced or ordered to be transported, and whose sentence shall not have expired or been remitted, who has or shall have run away, absconded or deserted from the service of the Government, or his or her master,

Houses may be searched.

master, mistress or other employer, is in or on or about any house or place whatsoever, contrary to the provisions of this Act, and such person shall in such information set forth and show reasonable grounds for such suspicion or belief, then and in such case it shall be lawful for such Justice in his discretion to grant his warrant to any constable to enter and search such house or place, either by day or night; which said constable may break open the doors, if not opened within a reasonable time after demand, and apprehend such felon or other offender as aforesaid as shall be found therein, to be dealt with according to law.

Felons or other offenders absconding may be punished after the sentence is expired.

X. And whereas felons and other offenders under sentence of transportation often abscond from their lawful employers, and remain at large until after the expiration of the term of their transportation, when they cannot be punished by any law at present in force; Be it therefore Enacted, That if any felon or other offender who shall have been or shall be transported to this Island or its Dependencies, or who shall have been or shall be within this Island or its Dependencies under sentence or order of transportation, and whose sentence shall not have expired or been remitted, shall abscond or desert from the service of the Government, or of his or her overseer, master, mistress or other employer, such person so absconding or deserting shall or may at any time after the expiration of his or her sentence, and notwithstanding such expiration of his or her sentence, be dealt with and punished for and in respect of every such offence in such and the same manner in every respect as he or she might have been dealt with and punished for and in respect of the same offence before his or her term of transportation had expired or been remitted, and the same as if such term were still unexpired and unremitted.

A ticket of leave not to be deemed a remission of sentence.

XI. And be it Declared and Enacted, That no temporary or partial remission of sentence only, by ticket of leave, shall be deemed a remission of sentence within the meaning of this Act.

GEORGE ARTHUR.

Passed the Legislative Council, this
20th day of January 1830.

W. T. Parramore, Clerk of the Council.

Anno Decimo GEORGII IV. REGIS. No. 9.

AN ACT to simplify Proceedings at Law or in Equity, by or against the Directors and Company of the Bank of Van Diemen's Land.

Preamble.

WHEREAS a Banking Company carrying on business under the style and firm of "The Bank of Van Diemen's Land," is established in this Island, and it is expedient to simplify proceedings at law or in equity commenced by or against the said Company:

Actions, &c. to be in the name of the managing director.

Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That after the passing of this Act, every action, suit and proceeding at law or in equity, to be commenced by or on behalf of the said Company against any person or persons, (whether a member or members of such Company or otherwise,) for recovering any debt due to or enforcing any claim or demands of the said Company, or relating to any matter connected with the concerns of the said Company, shall be commenced and prosecuted in the name of the managing director for the time being of the said Company, as the nominal plaintiff, complainant or petitioner on behalf of the said Company; and that every action, suit or proceeding at law or in equity to be commenced against the said Company by any person or persons (whether a member or members of such Company or otherwise) may be commenced and prosecuted against the managing director for the time being of the said Company as the nominal defendant on behalf of the said Company, and generally that in all cases wherein, but for the passing of this Act, it would have been necessary to mention the names of the members composing the said Company, it shall be sufficient to mention the name of the managing director for the time being of the said Company, and that neither the death, resignation, removal nor suspension of the managing director for the time being shall abate or prejudice any such action, suit or proceeding, but the same may be continued in the name of the next or any succeeding managing director for the time being of the said Company.

Proceedings not to abate by death of managing director.

Provided

Provided always, That no second suit or action shall be at any time commenced by or against any managing director of the said Company for the same cause of action, where the merits shall have been tried and decided in the first suit or action.

No second action to be brought if the merits were tried in the first.

II. And be it Enacted, That within Twenty-one days after the publication of this Act, and in the month of January in every year, and from time to time upon or within Twenty-one days next after the death, resignation, removal or suspension of any managing director or directors, or the appointment of any new director, a memorial in writing shall be delivered to the registrar of the Supreme Court of Van Diemen's Land, wherein shall be set forth in words at length the style and firm of the said Company, and the christian and surnames, additions and places of abode of the managing director and every director of the said Company for the time being, in the form, as near as may be, of the Schedule to this Act annexed; and that every such memorial shall be signed by the cashier for the time being of the said Company and Two of the directors therein named, and verified upon the oath of the said cashier (made before the said registrar) that the same contains a true account of the several particulars therein set forth, to the best of the knowledge and belief of the deponent; and upon delivery of such memorial, so verified as aforesaid, the said registrar shall immediately indorse on such memorial a memorandum of the day when the same was so delivered, and shall affix to such memorandum his signature; which indorsement, upon proof of the registrar's hand-writing, shall be conclusive evidence of the time of such delivery; and every such memorial so verified shall be safely preserved by the said registrar, and shall thereafter in all cases be conclusive evidence of the truth of the several matters therein set forth, and shall render every person therein named as a director of the said Company liable as a director of the said Company, until a subsequent memorial, verified as aforesaid, shall be delivered, in which his name shall be omitted: Provided always, and be it Enacted, That until such memorial, so verified, shall be so delivered as aforesaid, whenever the same is so required by this Act to be made, no action, suit or other proceeding at law or in equity shall be commenced, or if commenced, shall be continued for and on behalf of the said Company under the provisions of this Act.

Memorial of the name of managing director and directors to be delivered to the registrar.

No proceedings under this Act until memorial so delivered.

III. And be it Enacted, That every judgment, decree or order in any action, suit or proceeding at law or in equity, against any such managing director, shall have the same effect and operation upon the joint stock and property of the said Company, and the persons and separate property of every director and member of the said Company, as if every such director and member had been party to such action, suit or proceeding, and such judgment, decree or order had been obtained against him her or them jointly and severally, and may be enforced accordingly against either such joint stock and property, or against the persons and separate property respectively, either of the managing director for the time being, or any director or directors or member or members for the time being of the said Company: Provided always, That every such managing director or member shall be reimbursed all such damages, costs and charges as by any such event of such action, suit or proceeding he shall sustain or be made liable to, out of the joint stock and funds of the said Company, or in failure thereof, out of the separate funds and property of the other members of the Company, in due proportion, as in ordinary cases of copartnership.

Judgments, &c. against managing director to have the same effect as if against the Company or members.

Managing director and members to be reimbursed, &c.

IV. And be it Enacted, That this Act and the powers and provisions herein contained shall at all times extend to the said Company, and every person who shall be a member thereof for the time being, at whatever time he may have become a member of the said Company, and whether originally a member thereof or not.

Act to extend to all future members of the Company.

V. And be it Enacted, That the managing director shall not, by being the plaintiff, complainant, petitioner or defendant in any such action, suit or proceeding, be prevented from being a witness in such action, suit or proceeding in the same manner as he might have been if his name had not been so made use of in the same action, suit or proceeding.

Use of managing director's name not to prevent him from giving evidence.

VI. And be it Enacted, That if any such cashier shall knowingly depose to any statement or thing by this Act required to be contained in any such memorial otherwise than according to the truth, he shall be deemed guilty of perjury, and shall for such offence be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Cashier swearing falsely.

Act to be a public
Act.

VII. And be it Enacted, That this Act shall be and be deemed and taken to be a Public Act, and shall be judicially taken notice of as such in all cases, without being specially pleaded.

Passed the Legislative Council, this
20th day of January 1830.

GEORGE ARTHUR.

W. T. Parramore, Clerk of the Council.

SCHEDULE.

A MEMORIAL of the Names, Additions and Places of Abode respectively of the Person and Persons who, upon this day of 18 are respectively Managing Director and Directors of the Company carrying on business under the style and firm of "The Bank of Van Diemen's Land."

| Names. | Trade or Profession. | Place of Abode. |
|-------------------------|----------------------|-----------------|
| A. B. Managing Director | | |
| C. D. Director | | |
| E. F. - | | |
| G. H. - | | |
| I. J. - | | |
| K. L. - | | |

M. N. Cashier.

C. D.

E. F.

} Directors.

M. N. of Cashier of the Bank of Van Diemen's Land, maketh oath, and saith, That the above-written memorial contains a true and just account of the several particulars therein set forth, to the best of this deponent's knowledge and belief.

M. N.

Sworn, &c.

Anno Decimo GEORGII IV. REGIS. No. 10.

AN ACT to simplify Proceedings at Law or in Equity by or against the Directors and Company of the Derwent Bank.

Preamble:

WHEREAS a Banking Company, carrying on business under the style and firm of "The Directors and Company of the Derwent Bank," is established in this Island; and it is expedient to simplify proceedings at law or in equity commenced by or against the said Company.

Actions, &c. to be
in the name of the
Cashier.

Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That after the passing of this Act, every action, suit and proceeding at law or in equity, to be commenced by or on behalf of the said Company against any person or persons, (whether a member or members of such Company or otherwise,) for recovering any debt due to or enforcing any claim or demands of the said Company, or relating to any matter connected with the concerns of the said Company, shall be commenced and prosecuted in the name of the cashier for the time being of the said Company, as the nominal plaintiff, complainant or petitioner on behalf of the said Company; and that every action, suit or proceeding at law or in equity, to be commenced against the said Company by any

any person or persons, (whether a member or members of such Company or otherwise,) may be commenced and prosecuted against the cashier for the time being of the said Company, as the nominal defendant on behalf of the said Company; and generally that in all cases wherein, but for the passing of this Act, it would have been necessary to mention the names of the members composing the said Company, it shall be sufficient to mention the name of the cashier for the time being of the said Company; and that neither the death, resignation, removal nor suspension of the cashier for the time being shall abate or prejudice any such action, suit or proceeding, but the same may be continued in the name of the next or any succeeding cashier for the time being of the said Company: Provided always, That no second suit or action shall be at any time commenced by or against any cashier of the said Company for the same cause of action, where the merits shall have been tried and decided in the first suit or action.

Proceedings not to abate by death of cashier.

No second action to be brought if the merits were tried in the first.

II. And be it Enacted, That within Twenty-one days after the publication of this Act, and in the month of January in every year, and from time to time upon or within Twenty-one days next after the death, resignation, removal or suspension of any cashier or director, or the appointment of any new director, a memorial in writing shall be delivered to the registrar of the Supreme Court of Van Diemen's Land, wherein shall be set forth in words at length the style and firm of the said Company, and the christian and surnames, additions and places of abode of the cashier and every director of the said Company for the time being, in the form, as near as may be, of the Schedule to this Act annexed; and that every such memorial shall be signed by the cashier of the said Company and Two of the directors therein named, and verified upon the oath of the said cashier, (made before the said registrar,) that the same contains a true account of the several particulars therein set forth, to the best of the knowledge and belief of the deponent; and upon delivery of such memorial, so verified as aforesaid, the said registrar shall immediately indorse on such memorial a memorandum of the day when the same was so delivered, and shall affix to such memorandum his signature; which indorsement, upon proof of the registrar's hand-writing, shall be conclusive evidence of the time of such delivery; and every such memorial so verified shall be safely preserved by the said registrar, and shall thereafter in all cases be conclusive evidence of the truth of the several matters therein set forth, and shall render every person therein named as a director of the said Company liable as a director of the said Company until a subsequent memorial, verified as aforesaid, shall be delivered, in which his name shall be omitted: Provided always, and be it Enacted, That until such memorial so verified shall be so delivered as aforesaid, whenever the same is so required by this Act to be made, no action, suit or other proceeding at law or in equity shall be commenced, or if commenced, shall be continued for or on behalf of the said Company under the provisions of this Act.

Memorial of the name of cashier and directors to be delivered to the registrar.

No proceedings under this Act until memorial so delivered.

III. And be it Enacted, That every judgment, decree or order in any action, suit or proceeding at law or in equity against any such cashier shall have the same effect and operation upon the joint stock and property of the said Company, and the persons and separate property of every director and member of the said Company, as if every such director and member had been party to such action, suit or proceeding, and such judgment, decree or order had been obtained against him, her or them jointly and severally, and may be enforced accordingly against either such joint stock and property or against the persons and separate property, respectively, either of the cashier for the time being, or any director or directors or member or members for the time being of the said Company: Provided always, That every such cashier, director or member shall be reimbursed all such damages, costs and charges as by any such event of such action, suit or proceeding he shall sustain or be made liable to out of the joint stock and funds of the said Company, or in failure thereof, out of the separate funds and property of the other members of the Company, in due proportion, as in an ordinary case of copartnership.

Judgments, &c. against cashier to have the same effect as if against the Company or members.

Cashier and members to be reimbursed.

IV. And be it Enacted, That this Act, and the powers and provisions herein contained, shall at all times extend to the said Company, and every person who shall be a member thereof for the time being, at whatever time he may have become a member of the said Company, and whether originally a member thereof or not.

Act to extend to all future members of the Company.

V. And be it Enacted, That the cashier shall not, by being the plaintiff, complainant, petitioner or defendant in any such action, suit or proceeding, be prevented from being a witness in such action, suit or proceeding in the same manner as he

Use of cashier's name not to prevent him from giving evidence.

might have been if his name had not been so made use of in the same action, suit or proceeding.

Cashier swearing falsely.

VI. And be it Enacted, That if any such cashier shall knowingly depose to any statement or thing by this Act required to be contained in any such memorial otherwise than according to the truth, he shall be deemed guilty of perjury, and shall for such offence be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Act to be a Public Act.

VII. And be it Enacted, That this Act shall be and be deemed and taken to be a Public Act, and shall be judicially taken notice of as such in all cases, without being specially pleaded.

GEORGE ARTHUR.

Passed the Legislative Council, this
20th day of January 1830.

W. T. Parramore, Clerk of the Council.

SCHEDULE.

A MEMORIAL of the Names, Additions and Places of Abode respectively of the Person and Persons who, upon this day of 18 are respectively Cashier and Directors of the Company carrying on business under the style and firm of "The Derwent Bank."

| Names. | Trade or Profession. | Place of Abode. |
|-----------------|----------------------|-----------------|
| A. B. Cashier. | | |
| C. D. Director. | | |
| E. F. - | | |
| G. H. - | | |
| I. J. - | | |
| K. L. - | | |

A. B. Cashier.
C. D. }
E. F. } Directors.

A. B., of Cashier of the Derwent Bank, maketh oath, and saith, That the above-written memorial contains a true and just account of the several particulars therein set forth, to the best of this deponent's knowledge and belief.

A. B.

Sworn, &c.

Anno Decimo GEORGII IV. REGIS. No. 11.

AN ACT for establishing Regulations to restrain the Increase of Dogs.

Preamble:

WHEREAS there are great numbers of dogs roaming at large over the Island, which cause destructive ravages among the sheep, and infest the streets and public ways, to the annoyance of His Majesty's subjects, and it is expedient to put some check upon their further increase;

Every person from and after the 1st day of April to obtain a license.

Be it therefore Enacted, by his Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, by and with the

the advice of the Legislative Council, That every person keeping any dog or bitch above the age of Six calendar months shall, on or before the First day of April next, and from year to year, so long as such person shall keep any such animal, obtain from the police magistrate of the district in which such person resides a license for the same, who is hereby required to grant such license, as near as may be, in the form to this Act annexed, marked (A.), under his signature, and to charge and receive for the same the sum of Ten shillings for every dog, and Twenty shillings for every bitch, according to the description of the dog or bitch given by the person applying for such license: Provided always, That such police magistrate, at the time he grants such license, enters in a book, to be kept for that purpose, a copy of such license, in the form of such license, as near as may be: Provided also, That any person having any dog or bitch, kept and used solely as a house or watch dog or bitch, and constantly kept chained or otherwise well secured on the premises of such person, shall pay only the annual sum of Five shillings for every such dog:

II. And be it Enacted, That if any person applying for any such license shall give a false description to any police magistrate, such person shall be liable to pay a fine of not less than Two pounds, and not exceeding Twenty-five pounds, unless such person shall show a reasonable cause or excuse for having given such false description, to the satisfaction of the sitting Justices before whom the offence shall be inquired into. Penalty on persons giving false descriptions.

III. And be it Enacted, That if any person, after the First day of April next, shall keep for his or her own use, or the use of another person, any dog or bitch liable to duty, without a proper license having been taken out for the same, such person shall pay a fine of not less than Two pounds, and not exceeding Twenty-five pounds. Persons keeping dogs without a license after the 1st day of April, be fined.

IV. And be it Enacted, That it shall be lawful for any constable, at any place or time, to seize any dog or bitch for which a proper license shall not have been taken out; and upon complaint thereof before any Justice of the Peace, such Justice shall summon the owner or keeper; and if the owner or keeper shall, after summons, not attend in pursuance thereof, or shall not take out within Twenty-four hours after notice of such summons, or within any other time to be fixed by such Justice, a proper license for such dog or bitch, such Justice shall order the same to be killed, and the same shall be killed accordingly. Constables may seize unlicensed dogs, which may be killed.

V. And be it Enacted, That if any person, being the owner or keeper of any dog or bitch, shall, at any time after the First day of April next, permit or suffer any such dog or bitch to be at large, without being under the immediate custody, protection or control of some competent person, such owner or keeper shall forfeit and pay a fine of a sum of not less than One shilling, and not more than Twenty pounds; and it shall be lawful for any constable or other person whatsoever to shoot at and kill, or otherwise destroy, or use his best endeavours to destroy, such dog or bitch so at large; and all constables and other peace-officers are hereby specially ordered and commanded to use their best endeavours to kill and destroy all such dogs and bitches being so at large as aforesaid: Provided always, That nothing herein contained shall authorize the shooting at, killing or otherwise destroying, or endeavouring to shoot at, kill or otherwise destroy any dog or bitch which shall at such time plainly and visibly carry or wear a metal collar of not less than One inch in width, upon which shall be plainly engraven the name and residence of the owner of the said dog or bitch: Provided also, That nothing herein contained shall justify any constable or other person shooting at any dog or bitch in the night-time. Dogs at large may be killed.

VI. And be it Enacted, That all offences against this Act, not otherwise provided for, shall or may, upon information in that behalf exhibited, be in a summary way heard and determined, and all fines and penalties in respect of the same shall be awarded and imposed by any Justice of the Peace; and that if any person shall feel aggrieved by the summary judgment or conviction of any Justice under this Act, such person shall be entitled to appeal from such judgment or conviction, in the manner in that behalf provided by the Act, intituled, "An Act to regulate summary Proceedings before Justices of the Peace." Proceedings under this Act to be in a summary way.

Appeal allowed.

The Act to be
pleaded in case of
actions.

VII. And be it Enacted, That if any action or suit shall be brought against any person or persons for any thing done in pursuance of this Act, the defendant or defendants in every such action or suit may plead the general issue, and may give this Act and the special matter in evidence, at any trial to be had thereupon; and if the verdict shall be for the defendant or defendants in any such action or suit, or if the plaintiff be nonsuited, or discontinue his her or their action or suit after the defendant or defendants shall have appeared, and if upon demurrer judgment shall be given against plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have like remedy for the same, as any other defendant or defendants hath in any other case to recover costs by law.

Appropriation of
duty.

VIII. And be it Enacted, That the amount of all and singular the fees or sums of money paid or payable for licenses under and by virtue of this Act shall be reserved, and the same fees and sums are hereby reserved to His Majesty, His heirs and successors, for defraying the expense of making and repairing roads and bridges in this Island, and shall go to and be applied in aid of the Colonial Fund of this Island, for that purpose accordingly.

Act to continue till
31st December
1833.

IX. And be it Enacted, That this Act shall continue and be in force until the Thirty-first day of December in the year One thousand eight hundred and thirty-three, and no longer.

GEORGE ARTHUR.

Passed the Legislative Council, this
20th day of January 1830.

W. T. Parramore, Clerk of the Council.

SCHEDULE (A).

LICENSE, commencing the day of 18 to A. B. of 18 to keep [No.] of Dogs, and [No.] of Bitches, expiring the day of 18

| Owner or Keeper's Christian and Surname. | Place of Residence. | Number of Dogs. | Description of Dogs. | Name of Dogs. | Age of Dogs. | Male or Female. | Colour. | Any peculiar Marks. | Use of the Dogs. | Sum charged and paid for each Dog. | Time of Payment. | The Name and Residence of the Person applying for the License. |
|--|---------------------|-----------------|----------------------|---------------|--------------|-----------------|---------|---------------------|------------------|------------------------------------|------------------|--|
| E. F. | | | | | | | | | | | | |

I, A. B. of do declare the above to contain a true description in every particular, to the best of my knowledge and belief.
(signed) A. B. [*the Person applying for the License.*]
Granted by me this day of 18 District.
(signed) C. D. Police Magistrate of

VAN DIEMEN'S LAND.

C O P I E S

OF

THE LAWS AND ORDINANCES

PASSED BY THE

GOVERNOR AND COUNCIL

OF

THE COLONY OF VAN DIEMEN'S LAND.

1826—1830.

(Presented to Parliament, as required by Act 9 Geo. IV.
c. 83. sec. 29.)

Ordered, by The House of Commons, to be Printed,
11 March 1831.

242.

STATEMENTS, CALCULATIONS, AND EXPLANATIONS
SUBMITTED TO
THE BOARD OF TRADE,
RELATING TO THE
COMMERCIAL, FINANCIAL, AND POLITICAL STATE
OF THE
BRITISH WEST INDIA COLONIES,
SINCE THE 19TH OF MAY 1830.

Board of Trade, Whitehall, }
7 February 1831.

THOMAS LACK.

Ordered, by The House of Commons, to be Printed,
7 February 1831.

THEORY OF THE EARTH

The theory of the earth is a branch of geology which deals with the origin and development of the earth and its various parts.

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WEST INDIA COLONIES.

STATEMENTS, CALCULATIONS, and EXPLANATIONS submitted to the
BOARD OF TRADE, relative to the Commercial, Financial, and Political
State of the BRITISH WEST INDIA COLONIES, since the 19th of
May 1830.

AT a Meeting of the Acting Committee of West India Planters and Merchants,
held 19th May 1830.

IT was Resolved, That, referring to what passed yesterday evening in the House of Commons, on the intended motion of Mr. Douglas, the Marquis of Chandos and Mr. Douglas be requested to lose no time in applying to Mr. Herries, with a view of ascertaining what course the Government mean to make in prosecuting the promised inquiry as to the present state of the West India Colonies, and to express the readiness of this Committee to give such assistance to that inquiry as they may be enabled to afford.

AT a Meeting of the Standing Committee of West India Planters and Merchants,
held 4th June 1830.

THE Resolutions of the 19th May, and of the 26th May, relative to the inquiry to be instituted by the Board of Trade, on the subject of the existing distress of the West India Colonists having been read,

It was Resolved, That the following gentlemen be a deputation to attend at the Board of Trade; the Marquis of Chandos, Lord St. Vincent, Lord Seaford, Mr. Douglas, Sir Henry Martin, Mr. Hibbert, Sir Edward East, Mr. Bayly, Mr. Colvile, Mr. Malcolm, Mr. Manning, Mr. Colquhoun, Mr. Burge, and Mr. Innes.

AT a Meeting of the Standing Committee of West India Planters and Merchants,
held 9th June 1830.

THE Chairman stated that the deputation from the West India Body waited on the Board of Trade on Saturday, the 5th June, consisting of Lord Chandos, Lord Harewood, Lord Holland, Lord St. Vincent, Lord Seaford, Sir Edward East, Sir Henry Martin, Mr. Douglas, Mr. Burge, Mr. Colquhoun, Mr. Innes, Mr. Colvile, and Mr. Malcolm.

The President of the Board of Trade was accompanied by the Chancellor of the Exchequer, and Mr. Courtenay.

The President of the Board of Trade stated, that he had appointed the present Meeting for the purpose of explaining to the West India Body the course which the Government intended to pursue, with regard to the proposed inquiry before the Board of Trade, into the existing distress of the West India Colonies.

That the Government were prepared to enter into an investigation into the commercial, financial and political state of the West India Colonies, in the course of which they invited the West India Body to furnish them with any documentary or oral evidence, which they might deem it necessary to produce.

4 COMMERCIAL, FINANCIAL, AND POLITICAL STATE OF

That Mr. Douglas was expected to proceed in making out his case before the Committee of Trade, in the same manner that he would be required to do, if a Committee of the House of Commons had been appointed on his motion to investigate the subject.

The deputation strongly urged upon the Government, that the distresses of the Colonies were so overwhelming, as imperatively to demand immediate relief; and it was distinctly understood, that the pending inquiry would not preclude the members of the West India body, either individually or collectively, from bringing forward or supporting, either in Parliament or elsewhere, any measure calculated to afford immediate and temporary relief.

Sir,

Eaton Square, 8th July 1830.

IN conformity with the conversation which took place a short time since at the Board of Trade, on the subject of an inquiry to be instituted into the present distressed state of the West India commerce, I beg to submit to you, for the consideration of the Committee of Privy Council for Trade and Plantations, the mode in which it is proposed to conduct the inquiry on the part of the West India body.

I. To exhibit the cost of production and sale charges of sugar raised in the British Colonies; proving that the present prices afford little or no return on the capital invested, and that in many cases they are insufficient to defray the annual outlay or contingent expenditure.

II. To exhibit the enhancement of prices in producing sugar, caused by the restrictions imposed on colonial trade, arranged under the following heads:—

1. Enhancement of prices on American or Transatlantic supplies.
2. Enhancement of prices on European manufactures.
3. Enhancement of freights.

III. To exhibit the disadvantages under which the British colonist is placed, compared with the foreign cultivator, by the continuation of the slave trade.

I have the honour to be, Sir, your very obedient servant,

(signed) *W. R. Keith Douglas.*

Thomas Lack, Esq.

Secretary of the Board of Trade.

Office of Committee of Privy Council for Trade,
Whitehall, 13th July 1830.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 8th instant, submitting the mode in which it is proposed to conduct the inquiry into the state of West India concerns on the part of the West India Committee; and I am to acquaint you, that their Lordships will be glad to receive, as early as possible, the documents which the West India Committee are prepared to transmit to them, with a view to bring under the consideration of this Board the whole subject which they wish to submit to investigation, in the manner which appears to them to be the most advisable.

I am, Sir, your most obedient humble servant.

W. R. K. Douglas, Esq.

Thomas Lack.

EXTRACT of a Letter from *J. D. Hume, Esq.* to *W. R. K. Douglas, Esq.* dated
Office of Committee of Privy Council for Trade Whitehall, 7th Sept. 1830.

"I AM directed by the Lords of Committee of the Privy Council for Trade and Plantations, to inform you, that their Lordships are very desirous of receiving, as soon as possible, those further accounts which you propose and describe in your letter of the 7th July, as well as any other account or statements which the West India body may deem it right to submit to the consideration of this Committee, with

with the view to the bringing before it the whole case of the West India interest now under its investigation."

(signed) *J. D. Hume.*

W. R. K. Douglas, Esq.

Sir,

Edinburgh, 10th Sept. 1830.

I HAVE had the honour to receive your letter of the 7th, written by direction of the Lords of the Committee of Trade and Plantations. I came to Scotland a few weeks ago on the business of my election, and I have thus been prevented from prosecuting the inquiry into the distressed condition of the West India Colonists.

In the meantime, I have made arrangements for collecting information on the different points I have already adverted to, and I intend to be in London about the 22d, when I shall be prepared to proceed with the investigation of the subject in all its parts.

(signed) *W. R. K. Douglas.*

J. D. Hume, Esq.

Office of Committee of Privy Council of Trade.

Sir,

95, Eaton Square, 6th Oct. 1830.

I NOW beg to transmit to you, for the consideration of the Lords of the Committee of Privy Council, a series of papers exhibiting in detail the proofs and illustrations of the various points of inquiry into the commercial state of the West India Colonies, which were proposed to be investigated in my letter of the 8th July 1830.

I have considered it advisable to exhibit, by documentary evidence in the first instance, a general outline of the case I proposed to establish. By this mode of proceeding a regular basis is laid for further investigation, the points which it may be desirable to have confirmed by oral testimony are abridged and simplified, and greater uniformity and perspicuity generally are given to the proceedings. I have accordingly had documents prepared illustrative of the entire commercial state of the West India Colonies, arranged in the order in which it was agreed to conduct the inquiry. The information and general enumeration of facts contained in these papers, have been obtained by the assiduity of Mr. A. Macdonnell, secretary of the Committee of West India Merchants, from a number of individuals who are engaged in different branches of Colonial commerce. They embrace, besides the immediate details necessary to explain the objects pointed out in my letter of the 8th July 1830, such illustrations as are required to give the proceedings a connected form; and I am ready to have this documentary testimony corroborated by the examination of witnesses, or by such other mode of proceeding as the Lords of the Committee of Privy Council may consider expedient.

The statements of many of the individuals, according to the extent of their information, include a variety of topics, all bearing upon the Colonial question, but sometimes irregular and desultory in the order of arrangement. I have therefore had a second series of papers prepared, called, "Digest" of Evidence, in which every topic is arranged under its proper head, and which enables each part of the subject to be separately considered and easily comprehended.

The evidence of individuals is marked "Evidence," and numbered 1, to 35; the digest of evidence is marked "Digest," and numbered I. to XXIII. and of both an abstract of contents is prefixed for facility of reference.

The two first papers of the evidence are descriptive of the overwhelming distress which presses upon the Colonial interests, and of the general expectations which are entertained in all the Colonies, that prompt relief will be afforded in the ensuing Session of Parliament.

The third paper exhibits the want of confidence which prevails in Great Britain, and the utter impossibility of raising money on West India securities; together with such other information, in respect to the import and sale charges on Colonial produce, as is required to complete the first part of the case; proving that the price of sugar is inadequate to defray the contingent expenditure.

The fourth paper explains the reason why sugar cultivation cannot be changed or lessened in the British Colonies without a positive destruction of capital, and proves that

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that the planter has no resource against the calamities which press upon him, except by a prompt removal of his grievances by the Imperial Legislature.

The three next papers, Nos. 5, 6, 7, show how the distress of the British planter is aggravated by the policy of Continental states, particularly by Austria and Russia, in excluding English crushed sugar from their markets, while Havannah sugar, which is of similar quality; and which undergoes nearly the same process of refining, is admitted.

The papers which follow give the requisite details of facts to determine the extent to which the restrictions imposed upon the Colonists, for the benefit of various interests in the mother country, contribute to enhance the cost of producing sugar.

Nos. 8, 9, 10, 11, 12, exhibit the cost of American or Transatlantic supplies both in the United States of America and in the British North American Colonies.

Nos. 13, 14, 15, 16, 17, exhibit, with other particulars, the freights which are paid on the American supplies received from British America, and also circuitously by way of St. Thomas, and the other foreign West India Islands.

Nos. 18, 19, exhibit the advantages which the foreign planter enjoys in consequence of the great resort of traders to his markets, and also from his being enabled to barter his produce for American articles, whilst the British planter is obliged to give cash or bills of exchange for similar supplies.

Nos. 19, 20, 21, 22, 23, contain various details respecting the trade of Cuba and Brazil.

Nos. 24 and 25, exhibit the amount of freights from the British Colonies to Great Britain, and also from Havanna and Brazil to the continent of Europe.

Nos. 26, 27, 28, 29, 30, exhibit general details of the mode of management, condition of the Negroes, distribution of food and clothing, and such other particulars as are required to show the cost of rearing Negroes to a period of life when the returns of their labour begin to exceed the cost of their maintenance, in Jamaica, Barbadoes, Antigua, Trinidad, and Demerara. In the same papers details are given which illustrate the cost of the land, buildings, &c. of a sugar plantation of an average extent in these Colonies.

Nos. 31, 32, 33, 34, give similar details as to Cuba.

The remaining paper, No. 35, exhibits the cost of distilling rum, and the various charges to which it is subject, in consequence of the extra expenses which the restrictions on our Colonial trade occasion.

The Digests proceed in the same order as the Evidence, exhibiting the different facts in a tabular form, together with compilations from Parliamentary and other public documents, to which marginal references are given.

Digest I. contains a summary of the outlay on thirty-four sugar plantations, the particular accounts of which were transmitted to the Board of Trade on the 21st July last, showing that the annual contingent expenditure of producing 1 cwt. of sugar, independently of rum, is 15*s.* 10*d.* per cwt.

II. contains the expenditure of a single estate, on which the expense of raising sugar is 15*s.* 8*d.* per cwt., and which therefore may be taken to exhibit a fair average for the Colonies at large, and which shows in detail the articles which are consumed on a plantation.

III. shows that the import and sale charges amount to 8*s.* 6*d.* per cwt. independently of unavoidable waste and drainage on the passage.

IV. shows that the average price of sugar for the last twelve months is 24*s.* 10*d.* per cwt., while the cost of production and charges of import and sales, as before stated, amount to 24*s.* 4*d.* per cwt., thus proving that on average estates there is no return for capital invested, and that therefore on many estates a positive loss is incurred.

V. exhibits in a tabular form the annual increasing quantities of foreign sugar imported into the continent of Europe, notwithstanding the greatly declining prices of late years.

The remaining Digests exhibit the extent to which various interests in the mother country, and in her North American Colonies, are advanced at the expense of our West India Colonists.

VI. shows that 75,544*l.* is the enhancement of cost paid by them to support the British North American fisheries.

VII. shows

VII. shows that 68,668*l.* is the sum paid to support the fisheries at home.

VIII. shows the general quantities of American or Transatlantic articles imported into the West India Colonies, distinguishing the places whence imported. It appears also by this paper, that the amount of duties levied in the West India Colonies under the recent Acts of Parliament, which have been alleged to give free trade to these possessions, is 75,340*l.* 16*s.* 10*d.*, whereas the salaries for collection are 60,847*l.*, and the incidents 7,181*l.* 14*s.* 3*d.*, making together 68,028*l.*, leaving therefore 7,312*l.* as net revenue for the local expenses of Government.

IX. shows that the duties paid on the produce of the United States, by way of St. Thomas, amount to 61,689*l.*; that the amount of duties on the produce of the United States, imported through British North America, is 2,376*l.*, and that the extra price that is paid on the articles, the produce of British America, also imported, amounts to 22,611*l.*, making 86,676*l.* of enhancement of price paid for those objects.

| | |
|---|-----------|
| X. shows that the extra freights which are paid in consequence of the produce of the United States being imported circuitously by St. Thomas, | |
| amount to | £. 62,316 |
| and through the free ports of British North America | 10,382 |
| and that the extra freight paid on the produce of our North American provinces amounts to | 22,103 |
| Total | £. 94,801 |

XI. shows that the disadvantages in the purchase of American supplies, for want of the power of barter and other circumstances attending our Colonial system, amounts to 187,576*l.*

XII. XIII. exhibit the duties paid on salted beef and pork, linens and other articles, together with an estimate of the disadvantages under which the British planter is placed, as compared with the Cuba and Brazil cultivator, in consequence of the system of trade and connexions formed under the ancient Acts which fixed the Colonial intercourse with this country, and which still virtually continue: the amount is 372,575*l.*

XIV. XV. show that the enhancement of freights out and home, to support British navigation, amounts to 513,824*l.*

XVI. contains a general recapitulation of the restrictions on West India commerce, and establishes the second point of the case:

| | |
|--|--------------|
| There is on account of American supplies | £. 513,266 |
| European manufactures | 372,575 |
| Freights | 513,824 |
| | £. 1,399,665 |

From which is to be deducted the revenue collected in the Colonies of

| | |
|-------|--------------|
| | 7,312 |
| Total | £. 1,392,353 |

This paper also contains a calculation showing that the net charge on every cwt. of sugar, occasioned by these restrictions, is 5*s.* 6½*d.*; and on every gallon of rum 5½*d.*

XVII. XVIII. XIX. and XX. show, that allowing the same per centage on capital invested in settling plantations in Cuba and the British Colonies, the Cuba planter, by means of the continuation of the slave trade, has, from the lower cost of his labourers, an enormous advantage in the expense of raising his sugar. This calculation I conceive will be found to be strictly accurate, although it is generally not so fully appreciated in consequence of the great depreciation that has of late years taken place in the property of our West India Colonists.

XXI. enumerates the Acts of Parliament applicable to the East India trade, and shows that none of the restrictions that are imposed on the West India trade are applicable to the East Indies.

LIST OF DIGEST.

- I. Summary of Annual Outlay on 34 Sugar Estates.
- II. Details of particular Items of Outlay on a single Estate.
- III. Mercantile and Sale Charges on Sugar.
- IV. Prices of Sugar.
- V. Importations of Sugar into the Continent of Europe.
- VI. Fish imported into the West Indies from Newfoundland.
- VII. Idem - - - - - from Great Britain.
- VIII. American Supplies, Quantities imported.
- IX. Idem - - - - - Cost.
- X. Idem - - - - - Freights.
- XI. Idem - - - - - Colonial Sale Prices.
- XII. British Manufactures, Quantities imported.
- XIII. Idem - - - - - Duties.
- XIV. Freights - - - - - Outwards and Homewards.
- XV. Idem - - - - - Surplus Produce, re-exported to the Continent of Europe.
- XVI. Recapitulation of Restrictions.
- XVII. Cost of Slaves in British Colonies, and in Cuba and Brazil.
- XVIII. Comparative Efficiency of ditto in ditto.
- XIX. Amelioration of ditto in ditto.
- XX. Recapitulation of Advantages enjoyed by the Foreign Cultivator, in consequence of the continuance of the Slave Trade.
- XXI. East India Sugar.
- XXII. Rum.
- XXIII. Comparison between the old and the new Colonial Systems.

1.—STATEMENT, extracted from various Communications received from the House of Assembly of Jamaica ; declaratory of the great and increasing distress which prevails in that Colony.

FOR many years the distress of the planters of Jamaica has been accumulating, until it has reached a crisis which threatens to involve all classes in ruin. The planter is unable to raise money to provide for his family, or to feed and clothe his Negroes : the mortgagee gets no interest on the capital he has advanced ; and numerous annuitants in this country look for remittances in vain.

The inhabitants of Jamaica complain that these grievances originate in the policy and the oppressive duties, and the harsh uncalled-for proceedings of the mother country ; and they appeal to the justice of the Imperial Legislature to relieve them from their hitherto unredressed and unmitigated sufferings.

The principal staple commodity of the West Indies, sugar, is now reduced to a price so low as to be, in most instances, inadequate to pay the duties, the charges incurred in Great Britain, and the expenses of cultivation. The planter is debarred from the hope of profit, and sees his industry requited by accumulating debt, and the prospect of utter ruin to himself and his creditors.

No assistance is now offered, by the manufacture of rum, to defray the yearly contingencies of a sugar estate, the market price of that article being unequal to pay the cost of manufacture and other expenses. An over-supplied market, it is to be feared, is not a temporary but an advancing evil. The importation of sugar from other parts, not Colonies of Great Britain, for home consumption has, for the last seven years, been increasing, and still continues to increase.

The inhabitants of Jamaica have long pressed upon the attention of the legislature, the injustice towards the old Colonies, of any invasion of their right to an exclusive trade to the mother country, in the productions of their soil. By the Colonial system, established by England for her own aggrandisement, British shipping, and British seamen, are exclusively employed in our commerce ; no article of European growth or manufacture can be purchased unless imported from the mother country, which obtains the benefit of the carrying-trade for our supply, and double freights, the Colonies being burthened with the increase of charge. The whole of our produce is, by the same system, sent in British shipping to the markets of the mother country, and a net revenue of three millions and a half, of duties on sugar alone, is paid to support the Government. The value of this intercourse is felt, not only in what is received from the Colony, but in what the Colony makes the parent state

produce, in the encouragement of her manufactures, the increase of her population, and the employment of her seamen. The inhabitants of Jamaica conceive that they are entitled to advantages in return for this code of prohibition, restraint and taxation. The privilege of exclusively supplying the mother country with our staple commodities is the equivalent, which has had the sanction of long time and mutual recognition, and a ratification which has been designated as more solemn than any which an Act of Parliament could confer.

The British Colonies feel the injury of the foreign slave trade being still pursued with unabated ardour. The markets of the Continent are nearly engrossed by the produce of foreign colonies, cultivated by labourers cheaply procured from Africa; and at the same time, the continuance of the war duties, and the insufficient drawback allowed upon the exportation from Great Britain of sugar of the British West Indies, have the effect of a bounty upon the cultivation of foreign settlements, and a check upon those of England.

The supplies from the United States of America of lumber and provisions, which are essentially serviceable to aid the natural defects or failures of our climate and soil, are straitened by the total interruption of that trade. The regulated and limited commerce, which the laws of trade and navigation permitted in British ships, is denied to the West Indies by the retaliatory system of the United States.

Provisions, the growth of the United States, travel to us, when introduced by a double voyage, and at an expense unnecessarily enhanced: by this policy, the Colonists of Jamaica are stinted in their supplies, and are taxed, while the benefit is conferred on the ships of America and foreign countries, and on Spanish ports.

Under the pressure of distress and surrounded by difficulties, while other classes of British subjects are relieved from taxation, and enactments are passed for the reduction of duties upon trade, increasing its activity and extent, and adding to the power and wealth of the empire, a fixed resolution seems to have been adopted, that the high war duties upon the chief article of West India production, shall be continued without abatement.

The discouragement of industry which this policy occasions, the crippled resources, the difficulty of raising the means, in addition to large contributions to the revenue of the empire, for supporting the troops sent for Colonial defence, and for defraying other expenses, are grievances which threaten the entire destruction of this ancient Colony, whose capabilities for profitable commerce, if properly governed, are still considered by foreign powers superior to those of any other West India possession.

The inhabitants of Jamaica have submitted without repining to the ravages of hurricanes, and have borne patiently the burthensome taxation that a state of war imposes. It is under the authority of the Imperial Parliament which takes from them, in revenue duties, more than the income of their estates, that they are suffering; and it is to save their landholders and capitalists from ruin, and their labourers from absolute want, that the immediate interference of the Imperial Legislature is solicited.

If delay take place, and if these gloomy apprehensions be realized, it is to be feared that the numerous dependants of the British inhabitants of the West India islands, will not be persuaded that their masters are innocent of their miseries, and their rage and despair may involve our country in anarchy and blood.

2.—STATEMENT, extracted from various Communications made by the Assemblies of Barbadoes, Antigua, the Virgin Islands and other Colonies, to the Colonial Agents, declaratory of the increasing Distress which prevails in those Colonies.

IT appears from these communications, that the distress in the Leeward Island Colonies, generally, has been accumulating for a series of years, and that the situation of the planters is now as melancholy and deplorable as it was formerly cheerful and prosperous.

When these Colonies were first settled, there was a virgin soil, cultivated at little expense, and very productive. It is now impoverished by the cultivation of a century and a half, requiring more labour, and a large expenditure in manure. In consequence of the difficulties arising out of British laws and regulations, the planters cannot now, as formerly, remove their surplus slaves to the other Colonies, where the

the four-and-a-half per cent duty is not paid. Only the impoverished and distressed Colonies, Barbadoes, Antigua, Montserrat, St. Christopher, Nevis and the Virgin Islands, pay this duty:—the cost of production is therefore greater by this tax in those islands, than in other places, where the fertility of the soil, and other circumstances, render less manual labour necessary in cultivating the staple production of West Indian agriculture. The planters of the old islands are compelled to cultivate their estates at a cost per cwt. often exceeding the market price; in bad seasons, exposing them to the payment for bills drawn to a large amount, and, of course, in place of their deriving profit, subjecting them to heavy annual loss.

The expenses under which the Colonists in the Leeward Islands generally labour, render them utterly unable to pay the charges of their civil government; existing, as they now do, not on annual profits, but on their actual capital embarked,—every year increasing the debts to their merchants, yet still compelled, from the nature and tenor of their property, to hold estates which they cannot sell; because property which, instead of revenue, produces annual loss to the possessor, can have no value in the market.

It is not the planters alone who are the sufferers; the poor free people of colour and the slaves, in cultivating the minor articles raised in these Colonies for exportation, have their value greatly lessened; and, hence, the industry of the mass of the population is more shackled than in other places not subject to the full restraints which the Colonial system imposes upon the old Colonies.

But the evil does not end here. The slaves, are, in consequence, deprived of many comforts which they would otherwise enjoy from the prosperity of their masters. It is not to be expected that moral or religious improvement can continue to make progress in a community so situated; in such a state of affairs the consequences must be ruinous; the estates must be abandoned; civilization, religion and morality retrograde or vanish, as at Hayti, with the white population.

Perhaps these islands may then be occupied by some other power, if Great Britain permit: if not, they will become the resort of people similar in manners to the Buccaneers; an annoyance to trade between North and South America, which it may be expensive to put down, and which, at all events, will cease to render that assistance to the commerce of the empire which was at first contemplated, and which is still expected from the establishment of Colonies.

The inhabitants of the Virgin Islands have, in addition to their distress, the cruel mortification to see a neighbouring foreign island, St. Thomas, become the most flourishing and wealthy in the West Indies, arising from privileges denied to them by their own British Government.

The Danish island of St. Thomas, with a soil not better than Tortola, nor preferably situated, has become wealthy under the policy adopted by the Danish Government, while the Virgin Islands have been reduced to indigence.

The inhabitants of these Colonies, conceiving that their distresses are solely attributable to the policy of the mother country, earnestly look for relief from the Government of Great Britain at the earliest possible period; and it may safely be asserted that the hope of relief alone sustains commercial credit, and enables the planters, from postponed payment of their unavoidable expenses, to continue their cultivation.

3.—STATEMENT, extracted from a Memorial, presented by the Committee of West India Merchants to His Majesty's Ministers the 28th May, 1830; declaratory of the Distress in which all the Interests connected with the West India Colonies are involved.

THE undersigned West India merchants being now occupied in closing their accounts for the sugar crop of 1829, have had their attention more particularly and accurately directed to the subject, and feel it to be incumbent upon them to represent to His Majesty's Ministers the state of extreme distress into which the West India Colonies are fallen; and to suggest the expediency of affording to them that prompt relief which the necessities of the colonists so urgently require, and which the undersigned humbly conceive may be given without any risk of material inconvenience to the financial arrangements of the country.

The experience of the undersigned justifies them in confidently assuring His Majesty's Ministers:—

1. That many estates have not paid the expenses of their cultivation for the past year, without charging interest on the capital, or even interest on the debts with which the estates may be incumbered, or anything for the support of the families dependent upon them; and that a debt has thus been actually incurred by the Proprietors, in consequence of the expenses exceeding the sale of the crop.

2. That many other estates, more favourably circumstanced than the preceding class, by making better sugar, or by being cultivated at less cost, have not produced enough to pay the interest of the mortgages upon them.

3. That the remainder of the estates, which are most favourably circumstanced, have yielded so little net income, that, upon the whole, great distress has fallen upon the families of proprietors, and upon all connected with or dependent on the West India Colonies.

4. That the prices are now 5 s. to 7 s. per cwt. lower than they were in June 1829, and under existing circumstances there are no grounds for expecting any material improvement of prices. The results, therefore, of the accounts of crop 1830, will be more disastrous than those of the past year; and merchants, acting under the dictates of ordinary prudence, must be compelled to withhold all further advances to planters, either for the maintenance of their slaves and cultivation of the estates, or for the support of their families.

Under these circumstances, unless some immediate relief be afforded, despair and ruin must inevitably overwhelm the Colonies, and all dependent upon them, and great distress and inconvenience be sustained by the manufacturing, shipping and other interests connected with the Colonies.

(signed) Hibberts & Co.

Colville & Co.

W. R. & S. Mitchell.

Hall, M'Garel & Co.

John Deffell & Son.

Plummer & Wilson.

Davison & Simpson.

Nathaniel Winter & Co.

Fraser, Alexander, Neilson & Co.

Geo. Sheddon & Son.

Stewart & Westmoreland.

Cottam & Mortan.

Brooke, Smith & Co.

Mannings & Anderton.

Davidson, Barkly & Co.

Joseph Marryat & Sons.

Chauncy, Lucas & Lang.

D. H. & J. A. Rucker & Co.

A. & J. Campbell & Co.

Thos. & Wm. King.

Alex. Grant.

Higgin, Whitely & Co.

Nelson, Adam & Nelson.

R. Hawthorn.

Cavan, Brothers & Co.

Daniels & Co.

It is not to be expected that any reduction will be made in the import and sale charges of sugar. Those charges in the Port of London amount to about 8 s. 6 d. per cwt. and they are regulated, as all other charges are regulated, according to the comparative competition which exists in the different branches of business connected with West India commerce. The landing charges, or dock dues amounting to 8 d. per cwt., are reduced as low as possible, by the competition of the several docks of the port. The insurance, amounting to 8 d. per cwt., is so low, that it is considered the underwriter has scarcely any profit on his business; and the other charges of commission and brokerage, interest, rent, &c. are influenced in the same manner. Were these charges too high, there would be a disposition of capitalists to increase their investments in West India commerce, in place of reducing them, as is the disposition at present.

4.—STATEMENT of Mr. *J. R. Smith*, who resided in the West Indies for a considerable number of years.

IT is one of the peculiar features of production in the West India Colonies, that it is not practically reducible to such a moderate extent as would bring it within the demand for the local consumption of Great Britain. Every proprietor possesses a number of labourers, whom he is obliged to feed and clothe, no matter what return he may obtain for their services. Produce of some kind or another must be raised, possessing an exchangeable value, to pay for the clothing and food which are imported into the Colonies; and experience points out to the planters the species of cultivation which is best calculated to accomplish this end. By degrees all the indigo plantations have vanished; tobacco is also gone; cotton is fast following the same

same fate : and there appears no article in commerce to which the attention of the planters could be directed, if sugar cultivation is superseded in its turn from lowness of price.

It must be evident, indeed, that so long as the planter is peremptorily obliged to maintain his people, there cannot be any material diminution of production in the West India Colonies. If a planter attempted to diminish his cultivation, it would not be attended with any material reduction of expenses, because in such event his expenses for Negro clothing, for salt fish and provisions, for salaries of white superintendents, for colonial taxes, and for medical attendance would not be lessened ; and because he would also find that the expense of the chief articles supplied from Europe and America, and required in the process of his manufacture, would not be diminished in any essential degree.

It is besides quite out of the question to change the cultivation of sugar when once it is established, from the manner in which capital is sunk ; the buildings and works would be utterly useless ; the land itself employed in raising canes, is in most cases unfit for any other cultivation ; and even if it were susceptible of change, there is no article that could be substituted likely to afford profit to the owner.

The condition of the Negroes is materially injured in every case by the distress of the planters. There is necessarily some abridgement in many of the indulgences usually conferred upon them, and when the white capitalists are entirely engaged in raising products for the European market, the Negroes have the supplying of live stock and vegetables to the Colonists, by which they have the opportunity of realizing considerable sums of money, and thereby bettering their condition.

5.—STATEMENT procured at the Counting-house of Messrs. *Reid, Irving & Co.*, and through other respectable Channels.

GREAT BRITAIN has possessed for a long period an extensive trade in the refining of sugar for exportation ; but of late years this trade has been in a declining state, notwithstanding the large capital embarked in it, and the skill of our refiners. The decline is attributable to two causes : the commercial restrictions imposed in most countries on the Continent of Europe, and the increasing production of Cuba and Brazil.

Since the peace of 1815, it appears to have been the policy of those states possessing colonies, to exclude from their domestic consumption the importations of foreign sugar ; and those states which do not possess colonies have endeavoured to establish refineries of their own, and have accordingly imposed heavy duties upon the importation of refined sugar.

| | |
|-----------------------------|---|
| In France the duty on sugar | } 37 fr. 50 cents, to 45 fr. per 100 kilogrammes, |
| of her own colonies is | |
| Ditto on foreign sugar | - 115 - - - 125 per ditto. |

On the exportation of refined sugar from France a large bounty is given ; considered to be equal to several shillings per cwt.

| | |
|--|---------------------------|
| In Holland the duty on brown sugar is only on importation, | 0 fr. 50 per 100 lbs. |
| Refined sugar | - - - - - 36 fr. 0 ditto. |

Holland enjoys the entire supplying of the extensive sugar refineries on the Rhine, by means of the transit duties which are imposed upon the commodities of other nations when passing up the Rhine. By canals or land conveyance, this state also supplies Strasburg, Cassel, Minden, and all the southern parts of Germany, as well as a large portion of Switzerland. In addition to these facilities, it was recently proposed to give a bounty on the exportation of refined sugar, but owing to the unsettled state of the country this measure has not been finally adopted.

In Russia, Austria, Denmark and Sardinia, British crushed sugar is either excluded or subjected to a heavy duty ; and at the present time the Hanse Towns and some parts of the Mediterranean are the only places where British refined sugar is admitted on fair terms.

Though this system of commercial restrictions existing on the Continent is one cause of the decline of the sugar trade of Great Britain, yet it is inferior in its effects to the vastly increasing importations annually taking place from Cuba and Brazil. Within a space of less than ten years, those two territories have augmented

the general supply of sugar for the European market to the extent of at least 80,000 hogsheads annually. The result has been, a very great fall in price, which has necessarily affected the English market. The large surplus which the British Colonies produce beyond the domestic consumption of the United Kingdom is forced to be shipped to the Continent, where it enters into competition with the Havannah and Brazil sugar, and is disposed of at the same price. A general depression, in consequence, takes place throughout the entire sugar trade of this kingdom; and the British West India proprietors are prevented from getting the practical benefit of the protecting duty, which it is frequently but erroneously supposed they actually enjoy, and which the Legislature intended substantially to confer on them.

It is not probable that an improvement will take place in the price of sugar until the means of production are checked in Cuba; but of this there is little prospect, as appears from the latest advices from that colony. In a circular letter from Havannah dated 2d of August, 1830, it is stated, that of the grand staple, sugar, the present is unquestionably the largest crop ever exported from the island, being not less than 550,000 boxes; from this port 320,000, Matanzas 150,000, and St. Jago and Trinidad 80,000. It had scarcely made its appearance when it was met by the injurious competition of former years, and by contracts in anticipation of delivery; by a rush for whites for the Russian market, and for superior qualities of assorted for the Peninsula, to which were superadded the usual remittances to the Continent of Europe, in a greater degree than before; and lastly, a demand for browns for the United States, in consequence of the defalcation of the New Orleans crop. These circumstances combined, occasioned during the three first months of the crop a very active demand and high prices, say from 8 dol. 12 cents, to 10 $\frac{1}{2}$, 14 $\frac{1}{2}$ dol. but there being nothing to warrant such extravagant rates, a reduction naturally took place; the demand subsided, and for those last three months the prices have ruled from 6 dol. 10 cents low qualities, up to 8 $\frac{1}{2}$ dol. 12 $\frac{1}{2}$ cents for the superior, for the Spanish market; or 12 dol. to 13 dol. for white, and 5 dol. to 7 dol. for browns or yellow, which may be deemed our present rates.

The result of the whole has been, that in this place and at Matanzas there may exist on hand 150,000 boxes, and from both places, for the transactions are identified, we find exported to this date 320,000 boxes. Of these, 82,200 boxes wholly white have been shipped to Russia; 66,000 boxes assorted have gone to Spain; to Hamburgh and Bremen, 65,000 boxes, mostly brown; to Antwerp and other Netherland ports 15,000 boxes, mostly yellow; to England for exportation to other parts, 25,000 boxes, white and brown; to ports in the Mediterranean, 8,000 boxes; to French and other minor ports, 9,000 boxes; and to the United States the very heavy quantity of 50,000 boxes. After such supplies, it is difficult to point out a destination for our remaining stock, which must necessarily suffer a diminution in price, the more especially as the quality begins now to be sensibly affected, as usual, by the humidity of the climate.

The dollar may be calculated at 4 s. 1 d. sterling.

6.—STATEMENT procured from a Number of respectable Merchants engaged in the Russian Trade.

FOR many years during the most active period of the late war, and for some years subsequent, the trade of refined sugar with Russia was most extensive. When the system of commercial restraint began to prevail on the Continent, a diminution took place; the importation of refined sugar into Russia being then restricted to powdered or crushed lumps and loaves.

In the year 1824 the prohibitory system in Russia was completed; an imperial ukase was issued, prohibiting the importation of all sugar refined in Europe, including, of course, British crushed sugar. This was cutting off from the British refiners the largest market open to them, and upon which they had relied, as taking off nearly half the surplus production of the British Colonies. In the year 1818, the export of refined sugar from Great Britain to Russia was 22,000 hogsheads; and assuming that Great Britain had participated in supplying the Russian market up to the present period, in the same proportion as the consumption of Russia has increased, the export of crushed sugar would now have amounted to 32,000 hogsheads.

Clayed

Clayed Havannah sugar, which undergoes nearly the same process of manufacture as British crushed sugar, has supplied the place of the latter in the Russian market. The price of the white Havannah sugar, for the last year, has been about 46 s., 48 s. to 52 s., while British sugar of similar quality, had it been admitted, could have been supplied for 35 s., 36 s. to 38 s., making a difference of 30 per cent; and thus proving the great injury which the commerce of both countries sustains from the system of commercial restriction adopted by the Russian Government.

The Russian merchants, generally, are very desirous of the sugar trade being opened to all countries on the same footing; they consider the connexion with Great Britain as more advantageous than that with other countries; and they deem it but equitable that British commodities should be freely received into Russia, to pay for the large supplies of tallow, and other articles, which are supplied to the British market.

7.—STATEMENT of Mr. *Brentano*, who is engaged in the Mediterranean Trade.

BY the Austrian tariff, dated 5th February 1829, a considerable addition was made to the duty on all sugar imported into the Austrian dominions, whether for immediate consumption or for refining.

On all foreign refined sugar for consumption, the duty was raised from 16½ to 21 florins, equal to about 36 s. 2½ d. per 112 lbs.

On all raw sugars, including clayed Havannah and British crushed, for immediate consumption, the duty was also raised to 21 florins.

On white or clayed sugars for refining, the duty was raised from 11 to 14 florins.

On brown or grey sugars, the duty was raised from 5½ to 7 florins.

According to this scale, clayed Havannah sugar is admitted at a duty of 50 per cent under what is payable upon British crushed sugar, and the result is, that British sugar is sometimes 1 s. to 2 s. per cwt. lower in price than Havannah sugar of similar appearance and process of manufacture.

Trieste is a free port, as is also Venice, since 1st February 1830, and the sugar admitted into these places, for local consumption, pays no duty.

At Trieste there is no refinery of any consequence; the refinery nearest to Trieste is at Görz, about twenty-five English miles distant; this is the largest refinery in Austria. There is one at Wiener Neustadt, about forty miles from the capital; and there are eight refineries in the suburbs of Vienna. All these are supplied with Havannah and Brazil sugars from Trieste.

During the year 1829, there were exported from Great Britain to Trieste 3,500 hogsheads of crushed sugar; this quantity being considerable, has led many exporters to suppose that British sugar, in practice, is admitted into the Austrian territories on the same terms as the clayed Havannah sugar; but the fact is not so. A large portion, say 2,400 hogsheads, of the British crushed sugar is consumed in the free ports of Trieste and Venice, the remainder is re-shipped down the Adriatic.

8.—STATEMENT of Mr. *Charles Robarts*, Accountant.

THE average price of dry cod fish at New York, for the last 14 months, according to quotations given in the price current of that city, was as follows:—

| | | Average. | | | | | | | s. | d. |
|-----------|---|----------|--------|------------------------------------|---|---|---|---|----|----|
| 1829 : | | doll. | cents. | | | | | | | |
| June | - | 2 | 43½ | equal, at 4 s. 1 d. per dollar, to | | | | | 9 | 11 |
| July | - | 2 | 25 | - | - | - | - | - | 9 | 2 |
| August | - | 2 | 12½ | - | - | - | - | - | 8 | 8 |
| September | - | 2 | 25 | - | - | - | - | - | 9 | 2 |
| October | - | 2 | 12½ | - | - | - | - | - | 8 | 8 |
| November | - | 2 | 25 | - | - | - | - | - | 9 | 2 |
| December | - | 2 | 12½ | - | - | - | - | - | 8 | 8 |

| | | Average. | | | | | | | s. d. | |
|----------|-----|----------|--------|---|---|---|---|---|-------|---|
| 1830 : | | doll. | cents. | | | | | | | |
| January | - - | 2 | 12 ½ | - | - | - | - | - | 8 | 8 |
| February | - - | 2 | 12 ½ | - | - | - | - | - | 8 | 8 |
| March | - - | 2 | 12 ½ | - | - | - | - | - | 8 | 8 |
| April | - - | 2 | 12 ½ | - | - | - | - | - | 8 | 8 |
| May | - - | 2 | 12 ½ | - | - | - | - | - | 8 | 8 |
| June | - - | 2 | 25 | - | - | - | - | - | 9 | 2 |
| July | - - | 2 | 25 | - | - | - | - | - | 9 | 2 |

The lowest price quoted is - - 1 doll. 50 cents.

The highest price quoted is - - 3 - 0

The average price of dry cod fish at Halifax, for the last 14 months, according to the Halifax price current, was as follows :—

| 1829 : | | s. | d. | | | | | | s. | d. |
|-----------|-----|----|----|----------|---|---|---|----------|----|-------------|
| June | - - | 11 | - | currency | - | - | - | equal to | 9 | 4 sterling. |
| July | - - | 12 | - | - | - | - | - | - | 10 | 2 |
| August | - - | 11 | 6 | - | - | - | - | - | 9 | 10 |
| September | - - | 11 | - | - | - | - | - | - | 9 | 4 |
| October | - - | 11 | 6 | - | - | - | - | - | 9 | 10 |
| November | - - | 11 | - | - | - | - | - | - | 9 | 4 |
| December | - - | 11 | 6 | - | - | - | - | - | 9 | 10 |

| 1830 : | | s. | d. | | | | | | s. | d. |
|----------|-----|----|----|---|---|---|---|---|----|----|
| January | - - | 11 | 9 | - | - | - | - | - | 9 | 1 |
| February | - - | 11 | - | - | - | - | - | - | 9 | 4 |
| March | - - | 11 | - | - | - | - | - | - | 9 | 4 |
| April | - - | 11 | - | - | - | - | - | - | 9 | 4 |
| May | - - | 11 | 6 | - | - | - | - | - | 9 | 10 |
| June | - - | 13 | - | - | - | - | - | - | 11 | - |
| July | - - | 13 | - | - | - | - | - | - | 11 | - |

90 l. sterling, is equal to 100 l. currency.

An allowance is made of six per cent for premium, on Halifax bills drawn on London, which may be taken as the average rate of exchange for the period stated.

| | | s. | d. |
|---------------------|-----|----|----|
| Average at New York | - - | 8 | 11 |
| Ditto at Halifax | - - | 9 | 9 |

Difference about 10 per cent.

The price of fish at Boston appears to be on an average, rather more than 12 ½ cents per quintal lower than at New York, equal to about 7 per cent.

9.—STATEMENT of Mr. *Bryce*, Accountant in Glasgow, who is conversant with the Tortola and St. Thomas Trade.

THE price of herrings in St. Thomas, after covering the merchant's profit, is greatly under the price at which British herrings can be delivered.

I happen to have access to certain estates' accounts for the year 1828, during which period the average price at which herrings were purchased in St. Thomas, appears to have been about five dollars, or at the current rate of exchange, 1 l. 1 s. per barrel.

Herrings shipped from Glasgow in the fall of 1827 (which was the season of supply for crop 1828) cost 20 s. per barrel; and with freight 8 s. per barrel, and other charges, stood the planter 31 s. when delivered to him.

The cost of white pine lumber in Tortola, during the year mentioned, appears to have been about 28 dollars per 1,000 feet, and red oak staves, at the same time, sold for about 35 dollars the 1,000.

10.—STATEMENT of Mr. *Wm. W. de Forest*, received at the Counting-house of Messrs. *Baring, Brothers and Company*.

IN answer to your inquiries respecting the prices of lumber, staves, flour and rice, in the United States, and the rates of freight from the usual ports of shipment to

to the West Indies, I have the honour to inform you that pitch or yellow pine can be had cheaper from Wilmington, North Carolina, and Darien, Georgia, than from any other place. The price of the former is 14 to 16 dollars, and of the latter 17 to 20 dollars, per 1,000 superficial feet; averaging, for the former 61 s. 3 d. sterling, and for the latter 75 s. 6 d. calculating the dollar at 4 s. 1 d. sterling.

The white pine lumber is obtained at Portland, and other places in Maine, at seven to nine dollars, equal to 32 s. 8 d. sterling, for scantling, and 11 to 13 dollars, or 49 s. sterling for boards subject to inspection.

The merchantable go at full price; the seconds one-third less; and the refuse half less; but when the same article is bought in the yards at New York, the seconds pass as merchantable. The average of these rates for white pine lumber is 40 s. 10 d. Norfolk Virginia is the great market for staves.

Average.

The red oak hogshead staves cost 17 to 19 dollars: or 73 s. 6 d. st. per 1,000
white oak puncheon, ditto 25 to 28 do - or 108 s. 2½ d. —

New York inspected will cost

For red oak hogshead staves - 20 to 24 do - or 89 s. 10 d. —
white oak - - - 32 to 35 do - or 136 s. 9 d. —

The inspection being more rigid at New York than at Norfolk, these are much preferred, particularly at Jamaica, where strong casks are requisite.

Rice at Charleston is worth 2 to 3 cents per pound, and in New York 2½ to 3 cents per pound. There is seldom much difference between the two markets.

The flour generally shipped to the West Indies will cost in the Southern States, 4½ to 4¾ dollars per barrel. Brandywine flour is of rather better quality, and generally worth 4½ to 5 dollars.

Brandywine and Penny's kiln-dried corn meal, is generally worth 13 to 14 dollars per hogshead, and 3½ to 3¾ dollars per barrel, in New York.

New York is the great market for salted provisions of every description. The new beef comes forward in the month of October; the price

| | | | | |
|-------------|----------|-----------|------------------------------|---------------------|
| for prime | - - | 5 | dollars per barrel, equal to | 20 s. 5 d. average. |
| mess | - - | 7 to 8 | ditto - - | 30 s. 7½ d. - |
| pork, prime | 8½ to 10 | ditto - - | - - | 37 s. 5 d. - |
| mess | - - | 11 to 14 | ditto - - | 51 s. - |
| lard | - - | 5½ to 7 | cents per pound | 3 d. - |
| butter | - - | 9 to 15 | ditto - - | 6 d. - |
| cheese | - - | 5 to 7 | ditto - - | 3 d. - |
| cod-fish | - - | 2 to 2½ | dollars per quintal | 9 s. 2 d. - |

New York is decidedly the best market for making up assorted cargoes for the West Indies, because any article which may be required can be had at once, and the inspection of the articles which takes place is an advantage. Entire cargoes of lumber are of course excepted; as they can be had cheaper from other ports.

The usual freight of lumber to the West Indies, is as follows:

From Portland, 10 to 15 dollars, or 40 s. 10 d. to 61 s. 3 d. st. per 1,000 feet.

Wilmington } 12 to 16 ditto - or 49 s. - to 65 s. 4 d.
and Darien }

Of staves, Norfolk 11 to 14 dollars, or 44 s. 11 d. to 57 s. 2 d. per 1,000.

The lowest prices quoted, would include St. Croix, St. Thomas and St. Bartholomew's, and the highest quoted, the British islands.

Vessels can always be had at exceedingly low rates of freight at New York; particularly outward freights. Many of our New Orleans vessels being compelled to go out in ballast, they are glad to get 40 or 50 cents per barrel for St. Bartholomew's or St. Thomas, and would go to any other port on being paid the difference of port charges.

Coppered vessels of 1,800 to 2,000 barrels burthen are often taken for St. Thomas "by the run out," at 7 to 800 dollars. Charters for the voyage round, to St. Croix, St. Thomas or St. Bartholomew's, can be made at one dollar, to one and a half dollars per barrel, with the privilege of 20 lay days: or for a British island, with the same privilege, 1¼ to 1½ dollars per barrel, freight payable at the last port of discharge.

New York offers decidedly the best market for a return cargo from Jamaica. Rum, sugar, pimento and coffee meet a ready sale at all seasons, particularly finer qualities, to compete with our own rum and coarse sugar from Louisiana, and with St. Domingo coffee.

18 COMMERCIAL, FINANCIAL, AND POLITICAL STATE OF

Oxen, horse and mules, can be shipped better and cheaper from Newhaven, Connecticut, than from any other port. For this purpose we generally charter a low-decked vessel in New York, ship the "inboard" cargo of flour, meal, &c. &c., and then send the vessel to Newhaven, for the stock, hay, oats, hoops, &c. &c.

The cattle are purchased by persons who make it their business, and can always have them ready for shipment on a given day.

11.—STATEMENT of Mr. *Philpotts*, engaged in the American Trade.

The average price at Norfolk, Virginia :

| | | | | |
|-----------------------|---|---|---|-----------------------------|
| of red oak staves, is | - | - | - | 16 to 18 dollars per 1,000. |
| white ditto | - | - | - | 22 to 24 ditto |
| flour ditto | - | - | - | 5 per barrel. |

At Savannah,
of pitch pine boards, 20 dollars per 1,000 feet.
scantling - - 18 ditto

At Charleston,
of rice - - 2½ ditto per 100 pounds.

At Boston,
of white pine boards, 8 dollars per 1,000 feet.

The charter of a vessel of, say 270 tons, from Norfolk to the West Indies, would be about 450 *l.* which perhaps would give a freight on

| | | | |
|--------|---|---|--|
| Lumber | - | - | equal to 2 <i>l.</i> 5 <i>s.</i> to 2 <i>l.</i> 15 <i>s.</i> per 1,000 feet. |
| Staves | - | - | ditto 2 <i>l.</i> 10 <i>s.</i> to 3 <i>l.</i> per ditto |
| Flour | - | - | ditto 3 <i>s.</i> 2 <i>d.</i> per barrel. |

12.—STATEMENT of Mr. *John Williams*, Accountant.

THE Average prices at New York of the under-mentioned Articles, from the 1st January 1828 to the 14th July 1830, are stated as follows in the Price Current of that city.

| DATE. | STAVES, PER THOUSAND. | | | | FLOUR, per Barrel. | | | RICE, per 100 lbs. | | |
|---------------|-----------------------|-------------|----------|------------|-----------------------|------------|--|-----------------------|-----------|--|
| | WHITE OAK. | | RED OAK. | | | | | | | |
| | Doll. | Sterling. | Doll. | Sterling. | Doll. | Sterling. | | Doll. and Cents. | Sterling. | |
| 1828: | | £. s. d. | | £. s. d. | | s. d. | | | s. d. | |
| January - 7 | 53 | - - 10 16 5 | 29½ | - - 6 - 6 | 5 31 | - - 21 8 | | 3½ 0 - - | 13 3 | |
| January - 23 | 53 | - - 10 16 5 | 28 | - - 5 14 4 | 5 31 | - - 21 8 | | 3½ 0 - - | 13 3 | |
| February - 6 | 54 | - - 11 - 6 | 28 | - - 5 14 4 | 5 19 | - - 21 2 | | 3½ 0 - - | 13 3 | |
| February - 16 | 54 | - - 11 - 6 | 28 | - - 5 14 4 | 5 6 | - - 20 7½ | | 3½ 0 - - | 13 3 | |
| February - 27 | 54 | - - 11 - 6 | 26 | - - 5 6 2 | 4 87½ | - - 17 10½ | | 3½ 0 - - | 13 3 | |
| March - - 12 | 54 | - - 11 - 6 | 26 | - - 5 6 2 | 4 90 | - - 20 - | | 3½ 0 - - | 13 3 | |
| March - - 26 | 54 | - - 11 - 6 | 26 | - - 5 6 2 | 4 56 | - - 18 7 | | 3½ 0 - - | 13 3 | |
| April - - 9 | 54 | - - 11 - 6 | 26 | - - 5 6 2 | 4 56 | - - 18 7 | | 3 0 - - | 12 3 | |
| April - - 23 | 54 | - - 11 - 6 | 26 | - - 5 6 2 | 4 56 | - - 18 7 | | 3 0 - - | 12 3 | |
| May - - 7 | 51½ | - - 10 10 3 | 24½ | - - 5 - 1 | 4 56 | - - 18 7 | | 3 0 - - | 12 3 | |
| May - - 21 | 49 | - - 10 - 1 | 24½ | - - 5 - 1 | 4 75 | - - 19 5 | | 3 0 - - | 12 3 | |
| June - - 4 | 49 | - - 10 - 1 | 24½ | - - 5 - - | 4 69 | - - 19 1 | | 3 0 - - | 12 3 | |
| June - - 18 | 48 | - - 9 16 - | 24½ | - - 5 - - | 4 69 | - - 19 1 | | 3 0 - - | 12 3 | |
| June - - 28 | 50 | - - 10 4 2 | 24 | - - 4 18 - | 4 69 | - - 19 1 | | 3 0 - - | 12 3 | |
| July - - 9 | 50 | - - 10 4 2 | 24 | - - 4 18 - | 4 69 | - - 19 1 | | 3 0 - - | 12 3 | |
| July - - 23 | 50 | - - 10 4 2 | 24 | - - 4 18 - | 5 75 | - - 19 5 | | 2 87 - - | 11 8 | |
| August - 6 | 50 | - - 10 4 2 | 24 | - - 4 18 - | 5 6 | - - 20 7 | | 2 87 - - | 11 8 | |
| August - 20 | 50 | - - 10 4 2 | 24 | - - 4 18 - | 5 37½ | - - 22 - | | 2 87 - - | 11 8 | |
| September 3 | 49 | - - 10 - 1 | 24 | - - 4 18 - | 5 75 | - - 23 5 | | 2 87 - - | 11 8 | |
| September 17 | 49 | - - 10 - 1 | 24 | - - 4 18 - | 6 25 | - - 25 6½ | | 3 12½ - - | 12 9 | |

| DATE. | STAVES, PER THOUSAND. | | | | | | FLOUR, | | | RICE, | | |
|---------------|-----------------------|-----------|--------|----------|-----------|---------|-------------|-----------|----------|------------------|-----------|----------|
| | WHITE OAK. | | | RED OAK. | | | per Barrel. | | | per 100 lbs. | | |
| | Doll. | Sterling. | | Doll. | Sterling. | | Doll. | Sterling. | | Doll. and Cents. | Sterling. | |
| | | £. | s. d. | | £. | s. d. | | s. d. | | | s. d. | |
| 1828 : | | | | | | | | | | | | |
| October - 1 | 49 | - | 10 - 1 | 24 | - | 4 18 - | 6 93 | - | 28 3 | 3 25 | - | 13 3 1/2 |
| 15 | 50 | - | 10 4 2 | 24 | - | 4 18 - | 6 66 | - | 27 2 1/2 | 3 25 | - | 13 3 1/2 |
| 29 | 50 | - | 10 4 2 | 24 | - | 4 18 - | 6 66 | - | 27 2 | 3 25 | - | 13 3 1/2 |
| November 15 | 50 | - | 10 4 2 | 24 | - | 4 18 - | 9 0 | - | 36 9 | 3 25 | - | 13 3 1/2 |
| 26 | 50 | - | 10 4 2 | 24 | - | 4 18 - | 7 87 | - | 32 2 | 3 75 | - | 15 3 1/2 |
| December - 10 | 49 | - | 10 - 1 | 24 1/2 | - | 5 - - | 7 87 | - | 32 2 | 3 75 | - | 15 3 1/2 |
| 24 | 49 | - | 10 - 1 | 24 1/2 | - | 5 - 1 | 8 6 | - | 32 9 | 3 82 1/2 | - | 14 9 1/2 |
| 31 | 48 | - | 9 16 - | 25 | - | 5 2 1 | 8 6 | - | 32 9 | 3 62 1/2 | - | 14 9 1/2 |
| 1829 : | | | | | | | | | | | | |
| January - 7 | 48 | - | 9 16 - | 25 | - | 5 2 1 | 8 18 | - | 33 4 | 3 62 1/2 | - | 14 9 1/2 |
| 21 | 48 | - | 9 16 - | 25 | - | 5 2 1 | 8 18 | - | 33 4 | 3 62 1/2 | - | 14 9 1/2 |
| February - 4 | 48 | - | 9 16 - | 25 | - | 5 2 1 | 8 50 | - | 34 8 | 3 62 1/2 | - | 14 9 1/2 |
| 15 | 48 | - | 9 16 - | 24 | - | 4 18 - | 8 25 | - | 33 8 | 3 62 1/2 | - | 14 9 1/2 |
| March - 4 | 48 | - | 9 16 - | 24 | - | 4 18 - | 8 0 | - | 32 1 | 3 62 1/2 | - | 14 9 1/2 |
| 18 | 46 | - | 9 7 10 | 23 | - | 4 13 11 | 7 75 | - | 31 7 | 3 37 1/2 | - | 13 10 |
| April - 1 | 46 | - | 9 7 10 | 23 | - | 4 13 11 | 7 31 | - | 29 10 | 3 9 | - | 13 - |
| 15 | 45 | - | 9 3 9 | 22 | - | 4 9 10 | 6 50 | - | 26 6 1/2 | 3 12 1/2 | - | 12 9 |
| 29 | 45 | - | 9 3 9 | 22 | - | 4 9 10 | 6 43 | - | 26 3 | 3 0 | - | 12 3 |
| May - 12 | 43 | - | 8 15 7 | 22 | - | 4 9 10 | 6 75 | - | 27 6 | 3 0 | - | 12 3 |
| 27 | 41 | - | 8 7 5 | 21 | - | 4 5 9 | 6 87 1/2 | - | 28 - | 2 81 1/2 | - | 11 6 |
| 10 | 41 | - | 8 7 5 | 21 | - | 4 5 9 | 6 75 | - | 27 6 | 2 75 | - | 11 2 1/2 |
| 24 | 40 1/2 | - | 8 5 4 | 20 1/2 | - | 4 3 8 | 6 37 1/2 | - | 26 11 | 2 75 | - | 11 3 |
| 8 | 40 1/2 | - | 8 5 4 | 20 1/2 | - | 4 3 9 | 5 50 | - | 22 5 | 2 75 | - | 11 3 |
| 22 | 40 1/2 | - | 8 5 4 | 20 1/2 | - | 4 3 8 | 5 37 1/2 | - | 21 11 | 2 75 | - | 11 3 |
| 5 | 39 1/2 | - | 8 1 4 | 20 1/2 | - | 4 3 9 | 5 6 | - | 20 8 | 2 75 | - | 11 3 |
| 19 | 39 | - | 7 19 3 | 20 1/2 | - | 4 3 8 | 5 22 | - | 21 3 | 2 75 | - | 11 3 |
| 2 | 39 | - | 7 19 3 | 20 1/2 | - | 4 3 9 | 5 43 | - | 22 2 | 2 75 | - | 11 3 |
| 18 | 39 | - | 7 19 3 | 20 1/2 | - | 4 3 8 | 5 47 | - | 22 4 | 2 75 | - | 11 2 |
| October - 7 | 39 | - | 7 19 3 | 21 | - | 4 5 9 | 5 78 | - | 23 7 | 2 75 | - | 11 3 |
| 21 | 39 | - | 7 19 3 | 21 | - | 4 5 9 | 5 34 | - | 21 9 | 2 75 | - | 11 2 |
| November - 4 | 39 | - | 7 19 3 | 21 1/2 | - | 4 7 9 | 5 34 | - | 21 9 | 2 75 | - | 11 3 |
| 18 | 39 | - | 7 19 3 | 21 1/2 | - | 4 7 10 | 5 50 | - | 22 5 1/2 | 2 75 | - | 11 2 |
| 9 | 39 | - | 7 19 3 | 23 1/2 | - | 4 15 11 | 5 25 | - | 21 5 | 2 75 | - | 11 3 |
| 23 | 39 | - | 7 19 3 | 23 1/2 | - | 4 16 - | 5 6 | - | 20 8 | 2 75 | - | 11 2 |
| 30 | 39 | - | 7 19 3 | 23 1/2 | - | 4 15 11 | 5 - | - | 20 5 | 2 75 | - | 11 3 |
| 1830 : | | | | | | | | | | | | |
| January - 6 | 39 | - | 7 19 3 | 23 1/2 | - | 4 16 - | 4 93 | - | 20 2 | 2 75 | - | 11 2 |
| 20 | 39 1/2 | - | 8 1 4 | 24 | - | 4 18 - | 4 87 1/2 | - | 19 10 | 2 75 | - | 11 3 |
| 10 | 39 1/2 | - | 8 1 4 | 24 1/2 | - | 4 19 - | 4 75 | - | 19 4 | 2 69 | - | 10 11 |
| 24 | 39 1/2 | - | 8 1 3 | 24 1/2 | - | 4 19 - | 4 68 | - | 19 1 | 2 69 | - | 10 11 |
| 10 | 40 1/2 | - | 8 5 5 | 23 1/2 | - | 4 15 11 | 4 68 | - | 19 1 | 2 57 | - | 10 5 |
| 24 | 40 1/2 | - | 8 5 4 | 23 1/2 | - | 4 16 - | 4 72 | - | 19 3 | 2 44 | - | 10 - |
| April - 7 | 41 | - | 8 7 5 | 23 1/2 | - | 4 15 11 | 4 72 | - | 19 3 | 2 31 | - | 9 5 |
| 21 | 40 1/2 | - | 8 5 5 | 21 1/2 | - | 4 7 9 | 5 6 | - | 20 8 | 2 31 | - | 9 8 |
| May - 5 | 40 1/2 | - | 8 5 4 | 21 1/2 | - | 4 7 10 | 4 87 1/2 | - | 19 10 | 2 37 1/2 | - | 9 5 |
| 19 | 40 1/2 | - | 8 5 5 | 21 1/2 | - | 4 7 9 | 4 33 | - | 17 8 | 2 31 1/2 | - | 9 6 |
| June - 2 | 41 1/2 | - | 8 9 6 | 21 1/2 | - | 4 7 10 | 4 37 1/2 | - | 17 10 | 2 31 1/2 | - | 9 6 |
| 16 | 42 1/2 | - | 8 13 6 | 21 1/2 | - | 4 7 9 | 4 69 | - | 19 2 | 2 25 | - | 9 2 |
| 23 | 42 1/2 | - | 8 13 7 | 21 1/2 | - | 4 7 10 | 4 93 | - | 20 2 | 2 25 | - | 9 2 |
| July - 7 | 42 1/2 | - | 8 13 6 | 21 1/2 | - | 4 7 10 | 4 87 1/2 | - | 19 10 | 2 25 | - | 9 2 |
| 14 | 42 1/2 | - | 8 13 7 | 21 1/2 | - | 4 7 9 | 4 87 1/2 | - | 19 10 | 2 25 | - | 9 2 |

GENERAL AVERAGE:—Staves, White Oak - - 45 doll. 43 1/2 cents, equal to £. 9 5 - per thousand.

Red Oak - - 23 45 - 4 15 6 -

Flour - - - - - 5 75 - 1 3 5 1/2 per barrel.

Rice - - - - - 2 96 1/2 - 12 1 1/2 per 100 lbs.

The dollar is calculated at 4 s. 1 d. sterling, which may be taken as the average rate of exchange for the period stated.

13.—STATEMENT of Mr. *Seymour*, who is engaged in the North American Trade, and who was in Cuba in June 1829.

THE price of cod fish for the West India market at Halifax, is on an average, from 12 s. to 13 s. 9 d. per quintal Halifax currency, or 10 s. 4 d. to 12 s. sterling, at the current exchange; and at Boston it is 2 to 2 ½ dollars per quintal, or 8 s. 5 d. to 10 s. 5 d. sterling, at the current rate of exchange, being 18 to 20 per cent cheaper than at Halifax.

The freight of fish from Halifax to the British West Indies is seven dollars per hogshead of eight quintals in a British vessel.

The freight of fish from Boston to Havannah is considerably under the freight from Halifax to the British West Indies. I should think that it is about four or five dollars per hogshead of eight quintals in an American vessel.

The freight from the usual place of shipment in the United States to Havannah, may be stated to be about :

| | | | | | | |
|-------------------|---|---|---|---|---|--------------------------|
| Red oak staves | - | - | - | - | - | 16 doll. per 1,000. |
| White oak ditto | - | - | - | - | - | 16 — — |
| Pitch pine lumber | - | - | - | - | - | 14 doll. per 1,000 feet. |
| White ditto ditto | - | - | - | - | - | 11 — — |
| Flour | - | - | - | - | - | 75 cents per barrel. |
| Rice | - | - | - | - | - | 33 ½ — per 100 lb. |

In American vessels, the freights are frequently mixed up with the sale of the cargo: if they are estimated at a high rate, the profits obtained on the cargo will be proportionably low. In all cases the freights to Cuba from the United States are influenced by the certainty either of getting full cargoes of produce in return, or of getting freights to Europe.

The freights from the usual places of shipment in the United States to St. Thomas, are,

| | | | | |
|-------------------|---|---|---|------------------------|
| Red oak staves | - | - | - | 18 dollars per 1,000. |
| White ditto | - | - | - | 18 — — |
| Pitch pine lumber | - | - | - | 15 — — per 1,000 feet. |
| White ditto | - | - | - | 12 — — |
| Flour | - | - | - | 1 — — per barrel. |
| Rice | - | - | - | 0 ½ — — per 100 lb. |

The Freight from St. Thomas to Jamaica :

| | | | | |
|-------------------|---|---|---|---------------------------------|
| Red oak staves | - | - | - | 10 dollars per 1,000. |
| White ditto | - | - | - | 10 — — |
| Pitch pine lumber | - | - | - | 9 to 10 dollars per 1,000 feet. |
| White ditto | - | - | - | 7 — — |
| Flour | - | - | - | 1 dollar per barrel. |
| Rice | - | - | - | 0 ½ per 100 lb. |

At Havannah a very extensive trade is carried on with the Hanse Towns, Holland, and the Baltic; there are generally more vessels in port than can readily procure freights, and the merchants bid against each other, and give high prices to the planters for produce to get their vessels quickly despatched.

In the island of Cuba there are about 500,000 slaves. It is generally estimated that one-half of these are effective. In many cases the proportion is considerably more.

During my residence at St. Jago, in June, 1829, two cargoes of slaves were landed, and it was said that they did not stand the importers, who were extensive planters as well as merchants, above 100 dollars per head.

14.—STATEMENT procured at the Counting-house of Messrs. *A. and J. Campbell and Company*.

SINCE the interdiction of the trade of the West India Colonies with the United States of America in 1826, nearly the entire of the red and white oak staves, pitch pine lumber, flour, rice and tobacco, consumed in the British West India Colonies, have been the growth of the United States, and have been supplied to the British West Indies by way of the British North American Provinces, and foreign West Indian

Indian Islands; into which places they have been first imported from the United States, and then transhipped to the British West India Colonies, with accumulated charges of double freights and commissions.

Exclusive of the increase of price of these indispensable articles, caused by the circuitous manner in which they are obtained, our West India colonists are obliged to pay for them in cash or bills of exchange, instead of bartering for them their rum and molasses, as they formerly did to the Americans, when the trade with the American States was open.

It is not probable that any new channels of trade will enable the British West India planter to lay in his American supplies on as favourable terms as procuring them direct from the United States.

The red and white oak staves, pitch pine lumber, flour, rice and tobacco, cannot be furnished by any other country of so good a quality, and on such favourable terms, as by the United States. These articles are indispensable to our West India Colonies; and the Americans will continue, under all circumstances, to supply them in some way or another, as they found means to do during the most violent periods of the late war.

The price of staves and lumber has fallen considerably within the last few years; but that fall has not been in consequence of the interdiction of the American trade. Shortly after the cessation of the intercourse with the American ports, many British merchants entered into the trade of supplying our colonies with American articles, by way of Canada, Nova Scotia and the foreign islands of St. Thomas, St. Bartholomew and St. Eustatia, to a very great extent; and a temporary glut and reduced prices were the natural consequences. It is generally acknowledged that great losses were sustained by this overtrading; but the fall of prices which ensued, is not to be taken as an indicative of the permanent state of things, but only a casual exception to the general principle, and one of those fluctuations of trade produced by sudden changes in commercial relations.

At the present period, the fall in prices is greater in the United States of America than in the British Colonies; and indeed it cannot be supposed probable that articles exclusively furnished by the United States, can be supplied to our West Indian Colonies cheaper or on better terms by way of British America, or any of the foreign islands, than if the same articles were brought direct from the ports of the United States to the places where they are consumed; being in the one case subject to double freights, commissions and charges, while in the other case they would be brought direct, and for nearly half the expenses.

On reference to the prices current, it will be found that there is at any one time, a difference of more than 25 per cent between the prices of American produce in the United States, and in Canada.

The following is a statement of the prices in Norfolk, on an average of four months, in the year 1829:

| | | | Average. | | |
|---|---|---|----------|----|----|
| | | | £. | s. | d. |
| White oak puncheon staves, 30 to 32 dolls. per M. reduced to sterling money at, say 4 s. 1 d. to the dollar | - | - | 6 | 6 | 7 |
| Red oak hogshead staves 15 to 20 dollars per 1,000 feet | - | - | 3 | 11 | 6 |
| White pine lumber - 8 to 10 dollars, per 1,000 feet | - | - | 1 | 16 | 9 |
| Pitch pine ditto - 20 to 30 ditto | - | - | 5 | 2 | 1 |
| Flour, per barrel - 5 to 6 ditto | - | - | 1 | 2 | 5 |
| Rice, per cwt. - 2½ to 3 ditto | - | - | - | 11 | 3 |
| Pitch and tar, per barrel 1½ to 2 ditto | - | - | - | 7 | 2 |

The following is a statement of the prices in Quebec for the same period:

| | | | | | |
|--|---|---|----|----|---|
| White oak puncheon staves, 50 to 54 dollars per M. at 4 s. 1 d. per dollar | - | - | 10 | 12 | 4 |
| Red oak hogshead ditto 38 to 42 ditto | - | - | 8 | 3 | 4 |
| White pine lumber ditto 8 to 10 per 1,000 feet | - | - | 1 | 16 | 9 |
| Pitch pine ditto, none in Canada. | | | | | |
| Flour, per barrel - 6 to 7 dollars | - | - | 1 | 6 | 6 |
| Rice, per cwt. - 4 to 5 ditto | - | - | - | 18 | 4 |
| Pitch and tar, per barrel 3 to 4 | - | - | - | 14 | 4 |

The freight from Norfolk to the West Indies may be stated at, Staves 15 dollars per 1,000, reduced to sterling money at 4 s. 1 d. per dollar

3 1 3
Timber,

| | Average. | | |
|------------------------------------|----------|----|----|
| | £. | s. | d. |
| Timber, 15 dollars per 1,000 feet | 3 | 1 | 3 |
| Flour, 1 to 1 ½ dollars per barrel | — | 5 | 1 |
| Rice, ½ dollar per cwt. | — | 2 | —½ |
| Tobacco, ½ dollar per cwt. | — | 2 | —½ |

The freight from Quebec to Jamaica and the Leeward Islands, may be stated at, viz.

| | | | |
|--|---|----|----|
| Staves, 20 to 25 dollars per 1,000, reduced to sterling at 4 s. 1 d. | 4 | 11 | 10 |
| Lumber, 18 to 22 dollars per 1,000 feet | 4 | 1 | 8 |
| Flour, 1 ½ to 2 ditto per barrel | — | 7 | 2 |
| Rice, 1 - ditto - cwt. | — | 4 | 1 |
| Tobacco, 1 - ditto - ditto. | — | 4 | 1 |

The freight from St. Thomas to Jamaica may be stated at, viz.

| | | | |
|---|---|---|----|
| Staves 10 dollars per 1,000, reduced to sterling at 4 s. 1 d. | 2 | — | 10 |
| per dollar | — | — | — |
| Lumber, per 10 dollars ditto feet | 2 | — | 10 |
| Flour, 75 cents per barrel | — | 3 | 1 |
| Rice, ¼ of a dollar per cwt. | — | 1 | 4½ |
| Tobacco, ¼ of ditto per cwt. | — | 1 | 4½ |

15.—STATEMENT, procured at the Counting-house of Mr. H. Logan.

WITHIN the last few years a very large capital has been embarked in Canada and in the British North American Provinces to supply those articles which were formerly shipped almost exclusively direct from the United States to the British West India Colonies. Mills have been erected for the sawing of timber, and the manufacture of flour. New canals, and vast improvements in internal communication have been projected, and large establishments, both public and private, have been formed to bring the productions of the rich territories of Upper Canada to a ready market; which must eventually tend greatly to augment the intercourse with the West Indies, and to lower the price of American commodities in the Colonies.

Though all the capital necessary to carry those undertakings into effect has been expended, or responsibility for payment incurred, yet sufficient time has not elapsed for the full establishment of the trade, or to enable the West India Colonies to judge fairly of the prices at which many of the most important articles of American produce can be supplied by British America. Since 1826, the trade has been rapidly increasing, and supposing a similar ratio of increase to continue for a few years longer, the West India Colonies would be quite independent of the United States of America for their chief supplies.

The average prices at Quebec, during the year 1829, in sterling money, at the current rate of exchange, were, for

| | £. | s. | d. | |
|-------------------|----|----|----|-----------------|
| Red oak staves | 6 | 13 | 4 | per 1,000. |
| White ditto | 10 | — | — | — |
| White pine lumber | 1 | 12 | 8 | per 1,000 feet. |
| Flour | 1 | 3 | 6 | per barrel. |

The price of staves is higher than that of the United States of America, but, on the other hand, the white pine lumber is considerably cheaper.

It is sometimes asserted that there are no red oak staves in British North America, and that flour cannot be advantageously procured; but this arises from the want of easy communications. In Upper Canada the price of red oak staves is stated to be as low as 4 l. 15 s. per 1,000; and these staves are transported down the Erie Canal to New York, where they are frequently shipped as being the produce and growth of the United States. When the Welland Canal is completed the channel of this trade will be altered, and Quebec will become the natural port of shipment for all the productions of Upper Canada.

Steadiness of price is always considered very desirable in commercial transactions; and it may be safely asserted that in the colonial trade between the British provinces of North America and the West Indies there is much less fluctuation of prices than in the trade between the same Colonies and the United States.

Since

Since the interdiction of the trade of the United States with the British West Indies, there has been in all American supplies a regular uniformity as well as a gradual reduction of price; while in former years, from the speculative habits of the Americans, and the constant changes which were taking place in their policy, there were continual and injurious fluctuations, both in the price and in the quantity of productions brought to sale. In a period of war, the derangements of commerce which these changes necessarily cause, are greatly augmented; and they can only be remedied by allowing the Canadas and the North American provinces to participate in a large degree in the supplying of the West India Colonies, and approximating the Transatlantic trade of those possessions to the same regularity as exists in their European intercourse.

A very large portion of the shipping of British America is engaged in trading to the British West India Colonies. The tonnage is annually increasing, and this most advantageous nursery for seamen would be entirely destroyed if the United States should be again permitted to trade unrestrictedly to the British West Indies.

16.—STATEMENT of Mr. *George Campbell*, of Liverpool, who is engaged in the American Trade.

IT is difficult to state the exact freights which are paid on American produce shipped from North America to the British West Indies.

Vessels are most frequently chartered at a given sum for the voyage, and sometimes cargoes are shipped on ship's account, and the profit obtained on the cargo placed to the credit of the ship as her freight. Sometimes, also, the profit obtained on the cargo is divided betwixt the owner and the charterer of the ship.

In every case the cost of chartering vessels depends upon their comparative abundance or scarcity, as well as upon the state and prospects of the markets from whence they are to procure freights.

There is generally a number of vessels "seeking," as it is termed, "a market," and from the constantly varying demand for shipping, it frequently happens that there will be a difference within the space of two or three seasons of nearly 50 per cent in the cost of chartering vessels from North America to the British West Indies.

As a general average, it may be stated that 750 *l.* is a fair sum for the charter of a vessel of 270 tons, say from Quebec to Jamaica.

At this rate the owners of the ship would barely derive a remunerating profit, according to the usual estimate of the expenses of British shipping.

The charter of a vessel of 270 tons for 750 *l.* might be equivalent to the following rates of freight of American produce:—

| | £. | s. | d. | £. | s. | d. |
|------------------------------|----|----|----|----|----|----|
| Lumber, per 1,000 feet - - - | 3 | 10 | - | to | 4 | 5 |
| Staves, per 1,000 - - - | 4 | 5 | - | - | 4 | 15 |
| Flour, per barrel - - - | - | 5 | 4 | - | - | 7 |

From New Brunswick to Jamaica 12 dollars per 1,000 feet is considered a regular freight for lumber, and may be assumed as data for corresponding voyages.

17.—STATEMENT of Mr. *James Thompson*, of London, who is engaged in the West India Shipping Trade.

THE cost of chartering vessels from North America to the West Indies is greatly influenced by the prospect of procuring homeward freights.

It is always very low when there is a certainty of getting a full return cargo and quick despatch.

A few years back I have known vessels chartered on the following terms, viz.:—

| | | | |
|--|---|---|--------|
| One of 369 tons, from Halifax to Jamaica | - | - | £. 750 |
| One of 294 tons, from Bermuda to Jamaica | - | - | 400 |
| One of 295 tons, from New Brunswick to Jamaica | - | - | 500 |

This last case from New Brunswick to Jamaica might be said to be equal to these freights:—

| |
|--|
| 50 s. to 60 s. for lumber, per 1,000 feet. |
| 70 s. to 80 s. for staves, per 1,000. |
| 5 s. to 6 s. for flour, per barrel. |

At the present period, the following are the rates of freight from Quebec to Jamaica, reduced to sterling money at the current rate of exchange :—

| | | | |
|------------------------|----------------|----------------|----------------------|
| Staves, per 1,000 | - - 75 s. - d. | to 108 s. - d. | - average 91 s. 6 d. |
| Lumber, per 1,000 feet | - 62 s. - d. | to 75 s. - d. | - average 68 s. 6 d. |
| Flour, per barrel | - - 5 s. 2 d. | to 7 s. 3 d. | - average 6 s. 2 d. |

The freight from St. John's to Jamaica may be stated at about 10 per cent less, viz. :—

| | |
|------------------------|------------------|
| Staves, per 1,000 | - - - 82 s. 5 d. |
| Lumber, per 1,000 feet | - - 61 s. 8 d. |
| Flour, per barrel | - - 5 s. 7 d. |

The freight from St. Thomas's to Jamaica is two guineas for staves per 1,000. Other articles in proportion.

18.—STATEMENT of Mr. *Woodburn*, who resided in Jamaica for a considerable number of Years, and who returned from that Colony about Six Months ago.

A VERY large portion of the manufactures which are shipped to Jamaica from Great Britain, are re-exported to the Spanish Main. This trade has considerably declined since the recognition of the independence of the South American States ; but still upwards of 700,000 *l.* perhaps, of British manufactures are shipped to Kingston, Jamaica, and are there disposed of to the South American merchants, who come and select their purchases themselves, and who prefer that mode of traffic to one by epistolary correspondence.

The manufactures required on sugar plantations, and for local consumption generally in Jamaica, are partly bought by the planters in Kingston, and partly ordered from mercantile houses in Great Britain, who ship the manufactures on commission. The proportion shipped on commission is considered to be fully two-thirds of the entire supplies consumed on sugar plantations in Jamaica.

The selling price to the planters of American supplies, may be stated as follows :—

| | | | |
|---------------------|----------------------------------|------------------------|------------------------------|
| Cod fish | - 18 s. to 21 s. | sterling, per 100 lbs. | at current rate of exchange. |
| Herrings | - - - 30 s. to 32 s. | per barrel. | |
| Red oak hhd. staves | - - 10 <i>l.</i> to 12 <i>l.</i> | per 1,000. | |
| White oak punch. do | - - 14 <i>l.</i> to 18 <i>l.</i> | per 1,000. | |
| White pine lumber | - - 7 <i>l.</i> to 9 <i>l.</i> | per 1,000 feet. | |
| Pitch pine lumber | - - 10 <i>l.</i> to 12 <i>l.</i> | per 1,000 feet. | |
| Flour | - - - 35 s. to 40 s. | per barrel. | |
| Rice | - - - 15 s. to 20 s. | per 100 barrels. | |

These articles are principally procured from St. Thomas, and are usually paid for in cash, or by bills of exchange. The planters would greatly prefer to barter their produce for American supplies, but this traffic is almost at an end, since the interdiction of the commerce with the United States.

It has been frequently stated by the planters, that when they were bartering their molasses with the American traders, at the rate of 13 *d.* currency per gallon, the net price realized in England, and consequently the cash selling price in the Colony, for European shipments, was not more than 9 *d.* per gallon ; thus showing a difference of 30 per cent, between paying for American supplies in cash, and paying for them in produce.

The changes which took place in Colonial commerce by the 3d and 6th Geo. 4, have not much affected the trade of Kingston, and have had hardly any influence upon sugar cultivation. A few vessels have arrived from Bremen and Hamburgh, and also one or two from Prussia, but their cargoes, with the exception of Geneva, were chiefly re-exported to South America.

The duties which are levied on foreign, restrict the planters to the use of British manufactures. Were trade free it would be difficult to say what goods could be best supplied by foreigners until the experiment was fairly made, but there is no doubt that there would be a general declension of price. Linens would be greatly cheaper, perhaps to the full extent of the protecting duty. Salted beef and pork, hams and butter would also be much cheaper than at present. Some descriptions of woollens, hats and several other articles, in all probability, would be supplied from many places of the Continent of Europe, in the same manner as importations are now made into Cuba.

19.—S T A T E M E N T of Mr. *Colin Macrae*, who resided in Demerara for a considerable number of Years, and who is engaged in the Demerara Trade.

ALMOST all the merchandize imported into Demerara is for local consumption. The manufactures required on sugar plantations are partly bought by the planters in George Town, and partly ordered from mercantile houses in Great Britain, who ship the manufactures on commission.

The proportion shipped on commission is very considerable ; perhaps it is more than two-thirds of the entire supplies consumed on sugar plantations in Demerara.

The American supplies are received either by way of St. Thomas, or from Canada. The following may be stated as the average selling prices to the planters.

| | | | | | | |
|-------------------|---|---|---|---|---|--------------------------------|
| Cod fish | - | - | - | - | - | 4 dollars per quintal. |
| Red oak staves | - | - | - | - | - | 40 to 50 ditto per 1,000. |
| White ditto | - | - | - | - | - | 60 to 80 ditto — |
| Pitch pine lumber | - | - | - | - | - | 50 to 60 ditto per 1,000 feet. |
| White pine ditto | - | - | - | - | - | 30 to 40 ditto — |
| Flour | - | - | - | - | - | 6 to 10 ditto per barrel. |
| Rice | - | - | - | - | - | 4 to 6 ditto. |

These articles are partly paid for in cash, or by bills of exchange. The planters would greatly prefer bartering their produce in payment for American supplies ; but this traffic, since the interdiction of the commerce with the United States, is greatly diminished.

The advantages which the planter would derive from a trade of barter, which creates and extends the demand for his commodities, could not be estimated at less than 25 per cent on the amount of the articles purchased ; and this calculation is proved by the rate of prices at which the American traders received rum and molasses in payment for supplies ; that rate being a guilder for rum, when the cash price in George Town was 15 stivers per gallon.

The following is a statement of the enhancement of prices on an estate producing 300 hogsheads of sugar, caused by the interdiction of the American trade.

300 hogsheads for sugar, viz :—

| | |
|--|----------|
| No. of staves, 13,000 ; difference between Norfolk and Quebec, | |
| 20 dollars per 1,000 | 260 dol. |
| 200 puncheons rum, 8,000 white oak staves, difference 25 dol. | |
| per 1,000 | 200 |
| 4 barrels of flour | 8 |
| 4 barrels pitch and tar | 8 |
| 20 cwts. rice | 20 |
| 8 cwts. tobacco | 8 |

Dol. 504

Add 25 per cent difference, or loss on the purchase being made for cash or bills, instead of bartered for produce - - 126

Dol. 630

The changes which took place in Colonial commerce by the 3d and 6th Geo. 4, have not at all affected sugar cultivation in Demerara.

The duties which are levied on foreign commodities by those Acts, practically operate as a prohibition.

It appears that in Hamburgh, in June last, the price of

| | |
|---------------------------|----------------|
| Mess beef, per barrel was | £. 3 - |
| Pork, per ditto | 2 6 |
| Butter | 60 s. per cwt. |

While in Great Britain the prices were

| | |
|-----------------------|----------------|
| Mess beef, per barrel | £. 4 - |
| Pork | 3 5 |
| Butter | 80 s. per cwt. |

The duty on beef and pork, imported from foreign countries into the West India Colonies, is 12 s. per cwt.

20.—STATEMENT of Mr. Gray, of Glasgow, who is engaged in the Cuba Trade.

A VERY extensive trade with all parts of America and the Continent of Europe, is now concentrated in Havannah, which may be considered as the most extensive mart in the West Indies.

The manufactures required on sugar plantations throughout Cuba, are imported from Great Britain, the Hanse Towns, Germany, Prussia, Holland and the United States.

There is scarcely ever any order sent by the Cuba planter to merchants in Europe, to purchase manufactures on commission. It is considered a preferable course to procure supplies on the spot from merchants, amongst whom the competition is very great; and frequently they will give high prices for sugar, in order to get their manufactures quickly disposed of.

The annexed statement shows the prices of American produce at the Havannah, from the 9th of May, 1829, to May 1830, taken from the price current of that city.

QUOTATIONS FROM THE HAVANNAH PRICE CURRENT.

| DATE AND ARTICLES. | Gross. | | Gross. | Duty. | Net. | | Net. | Exchange at the following per cent premium. | Net Sterling. | Net Sterling. | | |
|--------------------------------------|--------|----|--------|-------|-------|----|------|---|---------------|---------------|----------------|---|
| | D. | R. | D. | R. | D. | C. | D. | C. | £. | s. | d. | |
| 1829.—May 9: | | | | | | | | | | | | |
| 1. Cod fish, per quintal | 2 | 4 | 3 | 6 | — | 72 | 1 | 78 | 3 | 3 | 12 ½ per cent. | |
| 2. Pitch pine timber, per 1,000 feet | 26 | — | 30 | — | 3 | 36 | 22 | 64 | 26 | 64 | — | |
| 3. White ditto - ditto | 23 | — | 24 | — | 3 | 36 | 19 | 64 | 20 | 64 | — | |
| 4. Shooks, with heading, each | — | 7 | 1 | 12 ½ | — | 24 | — | 63 ½ | — | 88 ½ | — | |
| 5. Flour, per barrel | 14 | 4 | — | — | 2 | 25 | 12 | 25 | — | — | — | |
| 6. Rice, per 100 lbs. | 4 | 6 | 5 | 4 | 1 | 35 | 3 | 40 | 4 | 15 | — | |
| 1829.—June 27: | | | | | | | | | | | | |
| 1. Cod fish, per quintal | 2 | — | 2 | 4 | Idem. | 1 | 28 | 1 | 78 | 15 | do. | |
| 2. Pitch pine timber, per 1,000 feet | 26 | — | 30 | — | | 22 | 64 | 26 | 64 | — | — | — |
| 3. White ditto - ditto | 24 | — | 25 | — | | 20 | 64 | 21 | 64 | — | — | — |
| 4. Shooks, with heading, each | — | 6 | — | 7 | | — | 51 | — | 63 ½ | — | — | — |
| 5. Flour, per barrel | 13 | — | — | — | | 10 | 75 | — | — | — | — | — |
| 6. Rice, per 100 lbs. | 4 | 4 | — | — | | 3 | 15 | — | — | — | — | — |
| 1829.—August 15: | | | | | | | | | | | | |
| 1. Cod fish, per quintal | 2 | 4 | 4 | — | Idem. | 1 | 78 | 3 | 28 | 17 | do. | |
| 2. Pitch pine timber, per 1,000 feet | 26 | — | 30 | — | | 22 | 64 | 26 | 64 | — | — | — |
| 3. White ditto - ditto | 20 | — | 21 | — | | 16 | 64 | 17 | 64 | — | — | — |
| 4. Shooks, with heading, each | — | 5 | — | — | | — | 38 ½ | — | 51 | — | — | — |
| 5. Flour, per barrel | 13 | 4 | — | — | | 11 | 25 | — | — | — | — | — |
| 6. Rice, per 100 lbs. | 4 | — | 4 | 4 | | 2 | 65 | 3 | 15 | — | — | — |
| 1829.—Sept. 19: | | | | | | | | | | | | |
| 1. Cod fish, per quintal | 4 | 4 | 6 | — | Idem. | 3 | 78 | 5 | 28 | 18 ½ | do. | |
| 2. Pitch pine timber, per 1,000 feet | 30 | — | 34 | — | | 26 | 64 | 30 | 64 | — | — | — |
| 3. White ditto - ditto | 20 | — | 21 | — | | 16 | 64 | 17 | 64 | — | — | — |
| 4. Shooks, with heading, each | — | 5 | — | 5 ½ | | — | 38 ½ | — | 44 ½ | — | — | — |
| 5. Flour, per barrel | 14 | 4 | 17 | 4 | | 12 | 25 | 15 | 25 | — | — | — |
| 6. Rice, per 100 lbs. | 4 | — | 4 | 2 | | 2 | 65 | 2 | 90 | — | — | — |
| 1829.—Oct. 10: | | | | | | | | | | | | |
| 1. Cod fish, per quintal | 4 | — | 5 | 6 | Idem. | 3 | 38 | 5 | 3 | 19 | do. | |
| 2. Pitch pine timber | 30 | — | 34 | — | | 26 | 64 | 30 | 64 | — | — | — |
| 3. White ditto | 20 | — | 21 | — | | 16 | 64 | 17 | 64 | — | — | — |
| 4. Shooks, with heading, each | — | 5 | — | 5 ½ | | — | 38 ½ | — | 44 ½ | — | — | — |
| 5. Flour, per barrel | 14 | 4 | 18 | — | | 12 | 25 ½ | 15 | 75 | — | — | — |
| 6. Rice, per 100 lbs. | 4 | — | 4 | — | | 2 | 66 | 2 | 90 | — | — | — |
| 1829.—Nov. 14: | | | | | | | | | | | | |
| 1. Cod fish, per quintal | 2 | 5 | 3 | — | Idem. | 2 | 3 | 2 | 28 | 19 | do. | |
| 2. Pitch pine timber, per 1,000 feet | 30 | — | 34 | — | | 26 | 64 | 30 | 64 | — | — | — |
| 3. White ditto - ditto | 22 | 4 | 23 | — | | 19 | 14 | 19 | 64 | — | — | — |
| 4. Shooks, with heading, each | — | 5 | — | 5 ½ | | — | 38 ½ | — | 44 ½ | — | — | — |
| 5. Flour, per barrel | 15 | — | — | — | | 12 | 75 | — | — | — | — | — |
| 6. Rice, per 100 lbs. | 3 | 4 | 4 | 2 | | 2 | 15 | 2 | 90 | — | — | — |

Quotations from the Havannah Price Current—continued.

| DATE AND ARTICLES. | Gross. | Gross. | Duty. | Net. | Net. | Exchange at the follow- ing per cent premium. | Net Sterling. | Net Sterling. |
|--------------------------------------|-------------------|--------|-------|--------------------|--------------------|--|-----------------------|----------------------|
| | D. R. | D. R. | D. C. | D. C. | D. C. | | £. s. d. | £. s. d. |
| 1829.—Dec. 5: | | | | | | | | |
| 1. Cod fish, per quintal - - | 2 4 | 3 - | - 78 | 1 78 | 2 28 | 18 per | - 6 10 $\frac{1}{2}$ | - 8 8 $\frac{1}{2}$ |
| 2. Pitch pine timber, per 1,000 feet | 25 - | 32 - | 3 36 | 22 64 | 28 64 | cent. | 4 2 7 | 5 9 3 $\frac{1}{2}$ |
| 3. White ditto - - ditto - | 23 - | 24 - | 3 36 | 19 64 | 20 64 | - - | 3 14 11 $\frac{1}{2}$ | 3 18 9 |
| 4. Shooks, with headings, each - | - 6 $\frac{1}{2}$ | - 8 | - 24 | - 57 $\frac{1}{2}$ | - 76 | - - | - 2 2 | - 2 10 $\frac{1}{2}$ |
| 5. Flour, per barrel - - - | 14 - | 14 4 | 2 25 | 11 75 | 12 25 | - - | 2 4 10 $\frac{3}{4}$ | 2 6 9 |
| 6. Rice, per 100 lbs. - - - | 4 - | 5 4 | 1 35 | 2 65 | 4 15 | - - | - 10 1 $\frac{1}{2}$ | - 15 10 |
| 1830.—Jan. 9: | | | | | | | | |
| 1. Cod fish, per quintal - - | 3 4 | 4 4 | - 60 | 2 90 | 3 90 | 16 do. | - 11 3 | - 15 2 |
| 2. Pitch pine lumber, per 1,000 feet | 25 - | 26 - | 3 36 | 21 64 | 22 63 | - - | 4 4 - $\frac{1}{2}$ | 4 7 10 $\frac{3}{4}$ |
| 3. White ditto - - ditto - | 23 - | 25 - | 3 36 | 19 64 | 21 64 | - - | 3 16 3 $\frac{1}{2}$ | 4 4 - $\frac{1}{2}$ |
| 4. Shooks, with heading, each - | - 6 $\frac{1}{2}$ | - 8 | - 24 | - 57 $\frac{1}{2}$ | - 70 | - - | - 2 2 $\frac{1}{2}$ | - 2 11 |
| 5. Flour, per barrel - - - | 13 - | - - | 2 25 | 10 75 | - - | - - | 2 1 8 $\frac{1}{4}$ | - - |
| 6. Rice, per 100 lbs. - - - | 4 2 | 4 4 | 1 20 | 3 5 | 3 30 | - - | - 11 10 | - 12 9 $\frac{3}{4}$ |
| 1830.—Feb. 20: | | | | | | | | |
| 1. Cod fish, per quintal - - | 3 2 | 3 4 | - - | 2 65 | 2 90 | 15 do. | - 10 4 $\frac{1}{2}$ | - 11 4 $\frac{3}{4}$ |
| 2. Pitch pine lumber, per 1,000 feet | 22 - | 23 - | - - | 18 64 | 19 64 | - - | 3 13 - | 3 17 - |
| 3. White ditto - - ditto - | 20 - | 21 - | - - | 16 64 | 17 64 | - - | 3 5 2 | 3 9 2 |
| 4. Shooks, with heading, each - | - 8 $\frac{1}{2}$ | - 9 | - - | - 82 $\frac{1}{2}$ | - 88 $\frac{1}{2}$ | - - | - 3 2 $\frac{1}{2}$ | - 3 5 $\frac{1}{2}$ |
| 5. Flour, per barrel - - - | 13 - | - - | - - | 10 75 | - - | - - | 2 2 1 $\frac{1}{4}$ | - - |
| 6. Rice, per 100 lbs. - - - | 5 - | - - | - - | 3 80 | - - | - - | - 14 10 $\frac{1}{2}$ | - - |
| 1830.—March 13: | | | | | | | | |
| 1. Cod fish, per quintal - - | 3 2 | 3 4 | - - | 2 65 | 2 90 | 16 do. | - 10 3 $\frac{1}{4}$ | - 11 3 |
| 2. Pitch pine lumber, per 1,000 feet | 19 - | 23 - | - - | 15 64 | 19 64 | - - | 3 - 8 $\frac{3}{4}$ | 3 16 3 |
| 3. White ditto - - ditto - | 20 - | 21 - | - - | 16 64 | 17 64 | - - | 3 4 7 $\frac{1}{2}$ | 3 8 5 $\frac{3}{4}$ |
| 4. Shooks, with heading, each - | - 9 | - 10 | - - | - 88 $\frac{1}{2}$ | 1 1 | - - | - 3 5 | - 3 11 |
| 5. Flour, per barrel - - - | 13 - | - - | - - | 10 75 | - - | - - | 2 1 8 $\frac{3}{4}$ | - - |
| 6. Rice, per 100 lbs. - - - | 4 4 | 4 6 | - - | 3 30 | 3 55 | - - | - 12 9 $\frac{1}{4}$ | - 13 9 $\frac{1}{2}$ |
| 1830.—May 1: | | | | | | | | |
| 1. Cod fish, per quintal - - | 3 2 | 3 4 | - - | 2 65 | 2 90 | 16 $\frac{1}{2}$ do. | - 10 3 $\frac{1}{2}$ | - 11 3 |
| 2. Pitch pine lumber, per 1,000 feet | 23 - | 25 - | - - | 19 64 | 21 64 | - - | 3 16 3 | 4 4 - $\frac{1}{2}$ |
| 3. White ditto - - ditto - | 20 - | 24 - | - - | 16 64 | 20 64 | - - | 3 4 7 $\frac{1}{2}$ | 4 - 1 $\frac{1}{2}$ |
| 4. Shooks, with heading, each - | - 10 | - 13 | - - | 1 1 | 1 38 $\frac{1}{2}$ | - - | - 3 11 | - 5 4 $\frac{1}{2}$ |
| 5. Flour, per barrel - - - | 11 - | 12 - | - - | 8 75 | 9 75 | - - | 1 13 11 $\frac{1}{2}$ | 1 17 10 |
| 6. Rice, per 100 lbs. - - - | 4 2 | 4 4 | - - | 3 5 | 3 30 | - - | - 11 10 | - 12 9 $\frac{3}{4}$ |

GENERAL AVERAGE:

| | Sterling. £. s. d. | | Sterling. £. s. d. |
|-----------------------------------|-----------------------|----|-----------------------|
| Cod fish, per quintal - - - | - 9 4 | to | - 12 5 $\frac{1}{2}$ |
| Pitch pine lumber, per 1,000 feet | 4 6 1 | - | 4 19 3 |
| White pine ditto - ditto - | 3 10 6 $\frac{1}{2}$ | - | 3 16 8 |
| Shooks, with heading, each - | - 2 3 $\frac{1}{2}$ | - | - 2 10 $\frac{3}{4}$ |
| Flour, per barrel - - - | 2 3 8 | - | 2 6 6 |
| Rice, per 100 lbs. - - - | - 11 5 $\frac{1}{2}$ | - | - 13 1 $\frac{1}{2}$ |

The retail price to the planters is about 10 to 20 per cent higher than those rates, which would make the selling prices to the planters:—

| | £. s. d. | | £. s. d. |
|-----------------------------|----------|----|----------|
| Cod fish, per quintal - - - | - 10 9 | to | - 14 4 |
| Pitch pine, per 1,000 feet | 4 18 10 | - | 5 12 3 |
| White pine - ditto - | 4 1 1 | - | 4 8 2 |
| Shooks, with heading, each | - 2 7 | - | - 3 3 |
| Rice, per 100 lbs. - - - | - 13 2 | - | - 15 1 |

MEAN RETAIL RATES.

| Exclusive of Duties. | £. s. d. |
|----------------------------|----------------------|
| Cod fish, per quintal - - | - 12 6 $\frac{1}{2}$ |
| Pitch pine, per 1,000 feet | 5 5 6 $\frac{1}{2}$ |
| White pine - ditto - | 4 4 7 $\frac{1}{2}$ |
| Shooks, with heading, each | - 2 11 |
| Rice, per 100 lbs. - - | - 14 - $\frac{1}{2}$ |

MEAN RETAIL RATES.

| Inclusive of Duties. | £. s. d. |
|----------------------------|----------|
| Cod fish, per quintal - - | - 14 11 |
| Pitch pine, per 1,000 feet | 5 19 3 |
| White pine - ditto - | 4 18 4 |
| Shooks, with heading, each | - 3 11 |
| Rice, per 100 lbs. - - | - 19 1 |

21.—STATEMENT, procured at the Counting-house of Mr. Alexander Grant.

QUOTATIONS from the Prices Current of George M'Leish, Esq. Merchant, Kingston, Jamaica, transmitted to London monthly, viz:—(7*l.* Jamaica Currency, equal to 5*l.* sterling, Exchange as under.)

| DATE. | W. P. LUMBER, per M. feet. | | | P. P. LUMBER, per M. feet. | | | CYPRESS SHINGLES, per M. feet. | | | CEDAR SHINGLES, per M. feet. | | | W. O. STAVES, per M. feet. | | | R. O. STAVES, per M. feet. | | | Exchange on London, at 90 Days sight. |
|---------------------|-------------------------------|----------|--------------|-------------------------------|----------|----------|-----------------------------------|----------|----------|---------------------------------|--------------|----------|-------------------------------|----------|----------|-------------------------------|----------|----------|--|
| | Retail. | Cargo. | | Retail. | Cargo. | | Retail. | Cargo. | | Retail. | Cargo. | | Retail. | Cargo. | | Retail. | Cargo. | | |
| 1829: | | | | | | | | | | | | | | | | | | | |
| May 18 - | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | 21½ |
| June 8 - | 12 - | 10 6 8 | 25 - | 18 - | - à 20 | 106 8 | 90 - | 66 8 | 80 - | 26 13 4 | 20 à 21 8 6 | 21 8 6 | 17 - | - | 17 - | - | - | - | 21 |
| July 6 - | 12 - | 9 - | 25 - | - | - | 100 - | - | 70 - | - | - | 21 8 6 | - | - | - | - | - | - | - | 19½ |
| Aug. 3 - | 15 - | 10 13 4 | 25 - | - | - | 100 - | - | 60 - | - | 20 - | 18 20 | 15 - | 12 - | 16 10 | 12 - | 16 10 | - | - | 20 |
| Sept. 7 - | 12 10 | 9 10 - | 25 - | 20 | - | 106 8 | 90 - | 60 - | - | 27 10 - | 22 10 | 22 10 | 17 10 | 20 - | 17 10 | 20 - | - | - | 20 |
| Oct. 12 - | 10 - | - | 25 - | 17 10 | - | 93 4 | 80 - | 40 - | 75 - | 25 - | 22 10 23 6 8 | 20 - | 16 - | 18 - | 16 - | 18 - | - | - | 20½ |
| Nov. 16 - | 12 - | 9 10 - | 25 - | 20 à £. 23 6 8. | 17 10 - | 113 4 | 90 - | 56 8 | - | 26 13 4 | 23 10 | 21 6 8 | 18 - | 20 - | 18 - | 20 - | - | - | 21 |
| Dec. 20 - | 12 - | 9 10 - | 25 - | 17 10 - | - | 106 8 | - | 66 8 | - | - | 21 6 8 à 23 | 22 10 - | 18 - | 20 - | 18 - | 20 - | - | - | 21½ |
| 1830: | | | | | | | | | | | | | | | | | | | |
| Jan. 5 - | 12 - | 9 - | 22 10 à 25 - | 18 - | - | 100 - | 75 - | 56 8 | 66 8 | 22 10 - | 20 à 22 10 | 20 - | - | - | 20 - | - | - | - | 23½ |
| Feb. 6 - | 11 - | 9 10 - | 25 - | 20 - | - | 90 - | 80 - | 50 - | 73 4 | 22 10 - | - | 18 - | 16 - | 17 10 | 16 - | 17 10 | - | - | 22½ |
| Mar. 15 - | 10 - | 8 - | 22 10 | 17 10 - | - | 106 8 | 86 8 | 60 - | 80 - | 25 - | 20 - | 20 - | 17 - | - | 17 - | - | - | - | 22½ |
| April 19 - | 11 - | 7 - | 22 10 | - | Ditto | 100 - | 80 - | 56 8 | 80 - | 22 10 - | 17 10 - | 18 - | 14 - | 16 - | 14 - | 16 - | - | - | 22½ |
| | | | | | | | | | | | | | | | | | | | |
| Average of Currency | £. 11 17 6 | 9 5 5 | 24 13 9 | 18 18 2 | | 105 10 | 86 9 | 76 10 | 63 1½ | 24 8 7 | 20 12 4 | 20 2 6 | 17 - | 3 | 21½ | | | | |
| Av. Sterling Prices | £. 6 13 8 | 5 4 4 | 14 - - | 10 12 8 | | 59 7 | 48 8 | 43 3 | 35 7 | 14 1 4 | 11 11 10 | 11 6 5 | 9 11 5 | | - | | | | |

These Prices include the Duty payable on importation of United States.

QUOTATIONS, &c.—continued.

| DATE. | Cod Fish, per 100 lbs. | Scotch Herrings, per barrel. | Fine Flour, per 100 lbs. | Rice, per 100 lbs. | Exchange on London at 90 Days sight. |
|----------------------------|-------------------------------|---------------------------------|-----------------------------|-----------------------|--|
| 1829: | s. d. s. d. | s. d. | s. d. s. d. | s. d. s. d. | per cent. |
| May 18 - - | 66 8 | 40 - | 76 8 to 90 - | 40 - | 21 to 22 ½ |
| June 8 - - | 25 - | 45 - | 93 4 | 40 - | 21 |
| July 6 - - | 26 8 to 30 - | None. | 160 - | 40 - to 43 4 | 19—20 ½ |
| Aug. 3 - - | 25 - 26 8 | None. | 100 to 106 8 | 35 - to 40 - | 20 |
| Sept. 7 - - | 23 4 | 45 - | 86 8 | 45 - | 20 |
| Oct. 12 - - | 23 4 | None. | 70 - | 45 - | 20—21 |
| Nov. 16 - - | 23 4 | None. | 80 - | 40 - | 21 |
| Dec. 20 - - | { 11 8 13 4 per 100 hds. } | None. | 70 - | 46 8 | 21—22 |
| 1830: | | | | | |
| Jan. 5 - - | { 16 8 | None. | 70 - | 46 8 | 23—24 |
| Feb. 6 - - | { | 46 8 | 60 - | 36 8 | 22 ½ |
| March 15 - - | 23 4 | None. | 56 8 | 33 4 | 22 ½ |
| April 19 - - | 23 4 26 8 | None. | 70 - | 33 4 | 22 ½ |
| Currency - - | 27 10 | 44 2 | 83 8 | 40 6 | 21 ½ |
| Average in } Sterling } | 16 4 | 24 10 | 47 3 | 22 9 | — |
| Retail Price - | 21 - | 31 - | | | |

These prices include the duties payable on importation from the United States.

N. B.—Lumber of all descriptions, and other supplies for estates, are generally from 10 to 12 per cent higher on the north side of the island of Jamaica, than in the port of Kingston.

22.—STATEMENT of Mr. Freese, who is engaged in the Brazil Trade, and who resided in Brazil for a considerable number of years.

In 1829 there was exported,

From Rio de Janeiro - - 18,864 cases of sugar, 40 to 45 arobas each.
1,106 boxes - - 18 to 20
15,796 barrels - - 8 to 10
22,136 bags.

From Bahia - - - 48,000 to 50,000 cases, 40 to 45 arobas each.

Pernambuco - - - 25,000 - - - 40 to 45

The increase in the production of sugar in Brazil, for the last three or four years, has been very considerable, say about 15 to 20 per cent.

The dry fish is imported from the United States of America and Newfoundland, and the pickled fish from the North of Europe. The proportions cannot be ascertained, but the supply imported by Danish, Swedish, and Norwegian vessels is increasing.

The staves are principally made in the country: a few are imported from the Baltic.

The flour is imported from the United States, Germany, and the Netherlands.

The outward freights from the Continent of Europe to Brazil, may be stated at 2 *l.* per ton : the homeward freights at 3 *l.* 10 *s.* per ton.

Woollens, linens and iron manufactures are 12½ to 15 per cent on actual value, cheaper in the Brazil than in the British West India Colonies. Cottons are not so much ; but perhaps these rates apply to a particular period, and ought not to be taken as a general rule.

Very little, if any sugar is shipped from Brazil on account of the planters. It is all purchased by European merchants.

The duties payable on American produce, and on European manufactures imported into Brazil, vary from 12½ to 15 per cent ; usually on a low valuation of the article.

No estimate has ever been made of the number of slaves in Brazil but the importations, within a few years back, have been very considerable.

The slaves are employed in raising sugar, coffee and cotton. There are more employed in sugar than in either coffee or cotton cultivation, but not so many as in the two latter conjointly.

23.—STATEMENT of Mr. *James Lang*, who is engaged in the Brazil Trade.

THE principal foreign commerce of Brazil is carried on at Rio Janeiro, Bahia and Pernambuco.

Sugar is exported in the largest quantities from Bahia, in which province, I was informed a short time ago, there were 742 sugar plantations, cultivated by about 75,000 slaves, and yielding annually about 50,000 cases of sugar of 12 cwt. each. This would give rather more than an average of 100 Negroes to each plantation, and the rate of production would be between 8 and 9 cwt. of sugar for each Negro.

The total population of the province of Bahia, in 1820, was estimated at 970,000 of which it was supposed two-thirds were blacks, but the exact proportions employed in the various descriptions of cultivation could not be correctly stated. Coffee in Bahia is very little cultivated. Cotton is grown chiefly in the interior, and the greater proportion comes from the part where the mines are situated. The export does not now exceed 30,000 bags ; it has been much reduced since the opening of the port of *Maçao*, from whence there is annually exported about 20,000 bags, which formerly were shipped from Bahia. The number of slaves engaged in the cultivation of this cotton may be about 25,000 to 30,000. The cultivation of tobacco used to be considerable, but it is now falling off.

The proprietors and their families live upon their estates, and are in general the only superintendents.

Good medical assistance for the slave population is difficult to be procured ; the Negroes when unwell apply to their masters, and sometimes they are left to cure themselves ; their food consists chiefly of jerked beef and mandioca. Cod fish is limited in consumption, and generally sells to the planters for about 20 *s.* sterling per quintal. The flour is imported from the United States, its usual price is about 34 *s.* sterling per barrel.

The manufactures are principally imported from Great Britain. The following are the importations into Rio Janeiro for the year 1826, which may serve as a criterion for the general trade of Brazil :

| | | | | | | |
|---|---|---|---|---|---|----------------------------|
| Flour from the United States | - | - | - | - | - | 78,000 barrels. |
| Hams from Great Britain and Guernsey | - | - | - | - | - | 677 no. |
| from the United States | - | - | - | - | - | 4,376 — |
| Beef from - - ditto | - | - | - | - | - | 1,822 casks. |
| from Great Britain | - | - | - | - | - | 838 tierces. |
| from Holland and Baltic | - | - | - | - | { | 312 barrels. 426 casks. |
| Woollens from Great Britain | - | - | - | - | - | 5,290 packages. |
| from France, Spain and Portugal | - | - | - | - | - | 335 — |
| Cottons from Great Britain | - | - | - | - | - | 17,073 — |
| from France Spain, and Portugal | - | - | - | - | - | 412 — |
| Sail cloth and canvas from Holland and Baltic | - | - | - | - | - | 3,861 — |
| Soap and candles from Great Britain | - | - | - | - | - | 21,114 boxes. |
| from the United States | - | - | - | - | - | 22,443 — |
| from France, Spain and Portugal | - | - | - | - | - | 10,364 — |

| | | | | | | |
|---|---|---|---|---|---|-------------------|
| The number of ships which arrived in 1826, were | | | | | | |
| from Great Britain | - | - | - | - | - | 62 |
| France | - | - | - | - | - | 19 |
| Spain | - | - | - | - | - | 4 Spanish. |
| | | | | | | 15 Foreign. |
| Portugal | - | - | - | - | - | 51 Portuguese. |
| | | | | | | 10 British. |
| Holland | - | - | - | - | - | 14 Dutch. |
| | | | | | | 5 Foreign. |
| Hanse Towns | - | - | - | - | - | 15 |
| United States | - | - | - | - | - | 53 American. |
| | | | | | | 6 Foreign. |
| North of Europe | - | - | - | - | - | 37 |
| Cape of Good Hope and | - | - | - | - | - | 12 British. |
| Cape Verd Islands | - | - | - | - | - | 3 French. |
| Slave Settlements | - | - | - | - | - | 53 Portuguese and |
| | | | | | | Brazilian. |
| Miscellaneous, South America | - | - | - | - | - | 81 |
| | | | | | | <hr/> 440 |

The export duties on the productions of Brazil are comparatively light. The duty on white sugar is 50 rees per arroba, and on brown or inferior 30 rees.

24.—STATEMENT of Mr. R. Douglas, who is engaged in the West India Shipping Trade.

The freight of sugar, from the West Indies to Great Britain, some years back, was 6 s. per cwt. but latterly it has been reduced to 5 s. per cwt.

The outward freights generally may be computed from the regulated freights on the undermentioned articles :—

| | | £. | s. | d. |
|---|--|----|----|----|
| Hogsheads of | Osnaburga, negro clothing, earthenware and | | | |
| — | other goods, 24 bushels | 1 | 5 | — |
| — | under 24 bushels | 1 | 3 | — |
| Tierces | ditto | — | 18 | — |
| Puncheons | ditto | 1 | 1 | — |
| Barrels | of beef and pork | — | 7 | 6 |
| — | of herrings | — | 5 | — |
| — | of flour | — | 3 | — |
| — | of tar and other coarse goods | — | 8 | — |
| Bricks, the 1,000 | | 1 | 10 | — |
| Iron ware in casks, the cwt. | | — | 2 | 6 |
| Ditto and lead, and pewter, not in cask | | — | 1 | 9 |
| Staves for sugar hogsheads, per 1,000 | | 4 | — | — |
| Measured goods the foot | | — | 1 | 6 |

In the present depressed state of British shipping, goods are frequently conveyed to the West Indies on lower terms than the regulated rates, but on the whole it may be stated that on the very lowest estimate, outward freights to the West Indies in British vessels are 8 s. per ton, calculated on the entire tonnage, higher than in foreign vessels from the Continent of Europe.

At the present rates of freight I think the foreign shipowner is deriving a higher profit on his capital, than the British shipowner.

The expenses of navigation are made up of the cost of the vessel itself, and of the charges of navigating her.

32 COMMERCIAL, FINANCIAL, AND POLITICAL STATE OF

THE following table shows the comparative cost of three ships, built in England, in Norway and Sweden, and in Prussia; 340 tons British register measurement each :

| TRADESMEN. | England. | | | Norway or Sweden. | | | Prussia. | | |
|---|----------|----|----|-------------------|----|----|----------|----|----|
| Shipwright's account for hull, masts, and yards - - - - | £. | s. | d. | £. | s. | d. | £. | s. | d. |
| Blacksmith's account for sundries - | 4,869 | 17 | - | 1,623 | 5 | 8 | 1,825 | 3 | 10 |
| Anchors, cables, &c. &c. - - - | 272 | 16 | 1 | 204 | 12 | 1 | 230 | 3 | 7 |
| Raff merchant's account, superintending building ship, and sundry expenses - - - - | 502 | 18 | 1 | 440 | - | 10 | 495 | - | 11 |
| Joiner's account, cabin and furniture - | 130 | 4 | 10 | 43 | 8 | 3 | 48 | 16 | 9 |
| Ship-chandler's account, sundry cabin stores, braziers, ironmongery, candles, &c. - - - - | 203 | 12 | - | 67 | 17 | 4 | 76 | 7 | - |
| Plumber's account - - - - | 130 | 3 | 3 | 97 | 12 | 5 | 109 | 16 | 6 |
| Painter and glazier - - - - | 39 | 13 | - | 29 | 14 | 9 | 33 | 9 | - |
| Mast and blockmaker's account, spars, spare blocks, &c. - - - - | 35 | 6 | - | 26 | 9 | 6 | 29 | 15 | 8 |
| Ropemaker's account - - - - | 125 | 19 | 3 | 41 | 19 | 9 | 47 | 5 | 9 |
| Sailmaker's account - - - - | 370 | 5 | 4 | 185 | 2 | 8 | 208 | 5 | 6 |
| Boatbuilder's account - - - - | 353 | 18 | 8 | 309 | 13 | 10 | 348 | 7 | 3 |
| Cooper's account - - - - | 56 | 6 | - | 18 | 15 | 4 | 21 | 2 | - |
| Miscellaneous charges, viz. } lighterage and casual dues } £.28 11 10 | 35 | 19 | 10 | 17 | 19 | 6 | 21 | 4 | 6 |
| Launching, dinner and carpenter's drinking money } 24 10 - | | | | | | | | | |
| Building contract - - - 8 11 6 | | | | | | | | | |
| Postages and petty expenses 5 5 - | | | | | | | | | |
| | 66 | 18 | 4 | 33 | 9 | 4 | 37 | 12 | 10 |
| £. | 7,193 | 17 | 8 | 3,140 | 1 | 3 | 3,532 | 11 | 1 |
| Equal to, per ton - - - £. | 21 | 3 | - | 9 | 4 | 8 | 10 | 7 | 9 |

The expenses of navigation consist of seamens' wages, victualling, ship-chandlery and sundry stores: these are 35 per cent dearer in Great Britain, than in the above-named countries; and if we assume that British navigation should give a remunerating profit to the shipowner, there ought to be a greater disparity between the rates of freight of British and foreign vessels than that which exists at present.

25.—STATEMENT of Mr. R. T. Maine, of Hamburg, respecting Freights in Foreign Vessels trading between Cuba and the Brazils, and Europe.

THE freights in foreign vessels, from the following ports to Hamburg rate as follows :—

| | | | |
|-------------------------|-------|-------|---|
| From the Havannah - - - | £. 3½ | to 4½ | } Say sugar per ton of 2,240 lbs. English N. W. reduced at the short exchange of the day. |
| Rio Janeiro - - - | 3 | to 4 | |
| Bahia - - - | 3½ | to 4 | |
| Pernambuco - - - | 4 | to 4½ | |

Outward freights per similar vessels to the Havannah, are charged as follows per ton measurement :—

| | | | |
|---|----|-------|------------------|
| Gin - - - - - | 7 | to 8 | Spanish dollars. |
| Toys and common glass - - - | 8 | to 9 | Dollars. |
| Superior glass - - - - - | 10 | - - | ditto. |
| Linens - - - - - | 16 | to 18 | ditto. |
| Silks and superior manufactured goods - | 18 | to 22 | ditto. |

Outward freights to the Brazils are,

| | | | |
|--|----|-------|--------|
| For ordinary goods - - - - | 7 | to 8 | ditto. |
| Linens and superior manufactured goods | 14 | to 16 | ditto. |

The whole subject to 15 per cent primage.

The

The quantity of dead weight shipped from hence to the Brazils or to Havannah is so small as to be eagerly accepted by the owners of vessels at the following moderate rates ; Swedish iron or other metals, 3 to 4 dollars per ton weight, other heavy articles, 4 or 5 dollars per ton. Freights to and from Pernambuco are usually higher than those to and from other Brazilian ports, the draft of water at the bar of the former port admitting only a small class of vessels, such as draw not exceeding 13 feet.

The number of vessels belonging to the United States of America, trading between Hamburgh and the Brazilian ports is trifling ; occasionally a vessel is laid on when other vessels are not to be obtained.

Between Cuba and Hamburgh the case is very different, and a very large proportion of the produce of that Island is brought to Hamburgh in American bottoms.

Some of the vessels take back cargoes direct, others return in ballast.—Some are chartered for the Mexican ports or the different parts of the United States themselves, and a considerable number proceed to St. Ubes to take in salt, and return to their own respective ports.

During the last few years the vessels of the United State have been gradually superseding the use of Hamburgh and other vessels. At this moment, Sept. 1830, there are four American vessels in the harbour taking in goods for the Havannah, and not a single vessel of any other flag. One great reason why the United States' shipping is so extensively engaged in the trade from Cuba to Hamburgh is, the owners are more speculative than those belonging to other countries.

An American captain will purchase one-third of a cargo of produce for owners' account, as a pledge that the vessel will not be too long detained in obtaining a cargo, and the subsequent charterers are entitled in general to nominate the consignee of such investment.

The arrivals at Hamburgh this season, up to 24th Sept. 1830, of vessels laden with sugar from Cuba, are as follows :—

| | |
|----|---------------------------------------|
| 21 | vessels of the United States. |
| 12 | ditto Hanse, Danish and Swedish. |
| 3 | ditto other States. |

26.—STATEMENT procured from Mr. *Robert Hibbert*, jun. Planter, of Jamaica.

THE mode of cultivating sugar plantations in Jamaica has long since settled into a regular system, which makes it comparatively easy to give general details respecting the treatment of the Negroes ; but the great difference between a wet and a dry weather estate, between one on the north and south side of Jamaica, and between the interior and the sea-side, renders an estimate difficult of the particular expenses of management.

Most of the regulations affecting the slave population are not determined by the will of the proprietor, but are expressly enacted by law, and are embodied in the recent Consolidated Slave Act.

The chief portion of these regulations upon which the slave himself places value, as substantially promoting his comfort, were introduced in the first instance by individual proprietors, whose example was gradually imitated until it became general, and was made at length the law of the colony. Some proprietors from time to time introduce improvements with more judgment, and discover a better system of management earlier than others, and thereby they are enabled to raise the condition of their people, without diminishing the quantity of work performed. An example so salutary and desirable soon spreads, and on being publicly noticed with approbation, is enacted by the Colonial Legislature, and progressively establishes a better state of society.

Great expense, in comparison with the practice in foreign colonies, is no doubt imposed upon the British planters by many of these ameliorating laws ; but the resident colonists expect, that their willingness, in this respect, to accede to the wishes of the mother country, and the contributions which they make for the maintenance of a regular clergy, for the registration of slaves, and for many other particular purposes, will entitle them to increased commercial privileges.

The outlay of a sugar planter for his people consists of many articles of food ; woollen and linen clothing, and hats ; medicine, and the expenses of medical attendance ;

attendance ; taxes on the young as well as on the infirm ; and many allowances of various descriptions, which raise the colonial contingent expenditure of the plantation to a large amount.

By the eighth clause of the Consolidated Slave Act, it is enacted, that on every plantation the slaves shall be allowed one day in every fortnight to cultivate their own provision grounds, exclusive of Sundays ; and by the 11th clause every proprietor is obliged to have the condition of the Negro grounds inspected once a month, in order to see that they are properly cultivated. In practice the inspection is much more frequent, and the overseer grossly neglects his duty if he does not watch the Negro grounds to see that all the slaves have good grounds. If there be no provision grounds attached to the plantations, then the proprietor is obliged to give 3 s. 4 d. currency per week to his slaves, to supply such portion of their maintenance as consists of the bread kind.

The provision grounds are filled with plantains, yams, cocoas, ochras and other vegetables, which are produced at all seasons ; and exclusive of these grounds, which are generally two or three miles from the Negro houses, there are gardens around the houses, giving many articles of sustenance. Most families have a hogstye and poultry ; the fowls lodge in the trees about the houses, and the chickens are carefully gathered at night.

When the Negroes rise in the morning, the first thing that is done is to carry the breakfast to the cook : it consists of plantains, cocoas or yams, with fresh or salted fish, pork or crabs, which in some districts are very abundant. These articles are sometimes boiled plain, sometimes made into a soup with some other vegetables and peppers, according to the various tastes of individuals. At noon, by the 26th clause of the Slave Act, the Negroes have two hours of rest, and they may either enjoy themselves in bathing or fishing, or employ the time at their own concerns, in attending to their grounds, mending their fences or hogstyes, or carrying home firewood. A few roasted plantains, with a little fish, is all they desire to eat in the middle of the day, breakfast and supper being their chief meals.

Their houses generally are composed of hardwood frames, with the interstices well plastered. They are divided into three, sometimes four apartments, one of which runs through the house. The furniture varies much according to the industry or indolence of the family. It is generally remarked that the Creoles have a much better idea of domestic comfort than the Africans, who frequently are very improvident, and will sell their clothes to buy rum. The ordinary class of Negroes have fixed beds, covered with deal boards and mats, upon which they sleep, under a single blanket or sheet, which is all that the climate requires. The higher description of Negroes and tradesmen sleep on beds filled with dried plantain leaves, used also by the free people of colour ; and the whole of their furniture, consisting of cooking utensils, chairs, benches and tables, and many little articles, useful and ornamental, would, for their conveniency, surprise any person who had never personally visited the Colonies.

All the property of the slaves is secured to them, and protected by the 15th clause of the Slave Act. By the 12th clause, the proprietors are obliged to find proper clothing, to be approved of by the justices and vestry of the parish where the proprietors reside, and they are obliged to exhibit an annual account of the nature and quantity of clothing actually served to each slave. In general the adults have each four or five yards of baize, ten of Osnaburghs, a hat, cap, knife, needles, thimbles, scissors and several other articles. On Georgia, my 360 Negroes had, last season, 3,842 yards of Osnaburgh, and 1,843 yards of baize. Boys, girls and children are served in similar proportions ; the females, young and old, receiving as much stuff each as will make a gown. On Sundays and holidays there is always a considerable display of finery. Many of the slaves are now regularly married, and attend church on Sundays well dressed, with linen shirts, shoes and stockings, and cloth coats. The Sunday dresses they purchase for themselves, out of funds derived from the sale of live stock and vegetables raised in their provision grounds, the clothing allowed by their masters being only used for working dresses.

By the 18th clause, the proprietor is obliged to keep on his plantation all slaves belonging to him who are rendered incapable of service or labour by means of sickness, age or infirmity, and to provide them with sufficient clothing and wholesome necessaries of life. And, by the 21st clause, owners who manumit such slaves as are old, infirm, or unable to work for their maintenance, are obliged to allow every such slave 10 l. per annum.

The

The cost of maintenance of the inefficient slaves is a source of great expense in Jamaica. The allowances given to the infirm slaves are on the same scale as those given to the able ; and when cultivation ceases to be profitable, a planter is not at liberty to terminate his business as in other countries. He is obliged by law to supply his people with food, clothing, and the proper necessities of life, and he is thus constrained to continue his business, even although he should absorb his entire circulating and fixed capital.

The quantity of labour usually performed by the slave varies, of course, according to the local situation of the plantation. Holing a cane-piece is the only hard field-work which a Negro has to perform ; it consists of turning up the ground with hoes for the reception of the cane plants, which when done gives it the appearance of a celery bed, the drills or holes being four feet wide ; the cane is planted in the furrow in the same manner as potatoes ; this labour is always done with the plough when the land will admit, but on steep hill sides, stony or low swampy ground, where a number of large trenches must be kept open to draw off the water, the hoe must be used. The labour then is generally tasked, and the Negroes finish it by two to four o'clock, having the remainder of the day to themselves. The richer the soil of a plantation the less of this labour is required, as canes continue to grow longer from the same root ; but the Bourbon cane seldom yields more than a second ratoon, and consequently one-fourth of the cane land is holed annually, unless the estate is extensive enough to allow a fallow. Cleaning of canes is much the same kind of labour as hoeing a field of turnips or potatoes, at which a youth of 15 can do as much as a man of 30. In Jamaica the canes are carried to the mill by mules upon hilly estates, and by oxen in the plains ; they are never carried from the field by Negroes, as has sometimes been asserted.

Medical attendance is a large item of expense in every sugar plantation in Jamaica. Large and capacious hospitals are erected, in which there are separate apartments for the men and the women ; there is always a cook, and one of the best and most trustworthy women on the estate is appointed to attend the hospital as sick nurse ; her duty is to keep the hospital and the sick in it clean, and to administer such nourishment to the patients as may be prescribed. Besides the regular surgeon, who visits the hospital two or three times a week, or oftener if there is occasion, and who examines all the patients individually, and writes his prescriptions in a book, there is on every estate an intelligent man, who performs the duties of hospital doctor, and who, for years acting under the direction of the white doctor, acquires some knowledge of the common complaints of the Negroes. The overseer is very attentive to the hospital ; he reads over the hospital book, when he examines the black doctor about his patients, and prescribes, in the absence of the white doctor.

It may be stated as the universal practice throughout the colony, that no trouble or expense on the part of the proprietor is spared to administer to the comfort of the sick ; every article in the shape of medicine, or likely to be useful, wine, or nourishment of various kinds, such as rice, flour, sugar, arrow root, animal food for soup, or chickens when necessary, are always afforded. In case of dangerous illness a Negro is always allowed the attendance of some of his own family.

Besides the hospital, there are nurseries attached to every plantation, consisting of neat buildings on a ground floor, with platforms for the children to sleep upon, and a spacious yard as a play-ground. The children receive food of that kind which is best adapted for their age, such as rice, and a pot of soup generally is ready at noon, consisting of Indian corn or cocoa, with a piece of pork.

Pregnant women are treated with peculiar care ; for three months before lying-in, and two months afterwards, a woman does no work whatever. When her child is about a couple of months old she takes it out to the field. All the mothers of young children go to the same work ; and the children are put down together in some shade near the field ; if a child should be fretful, or apparently unwell, it is taken either home or to the hospital. When it is weaned, the mother carries it to the nursery in the morning, where it is attended to during the day, and she calls at night to take it home to her own house.

For the general superintendence of a sugar plantation in Jamaica, there is one overseer or manager, who must be a person of considerable attainments, acquainted with the Negro character, as well as with the process of making sugar ; his salary is generally about from 160 *l.* to 200 *l.* currency per annum. Under him are two or more subordinate persons called book-keepers, who personally superintend the distillery, and other parts of the works, and who receive salaries of from 60 *l.* to

80 *l.* currency. There are generally two or three other white persons attached to the plantation, who perform various mechanical duties, and who derive liberal emoluments; generally equal to 100 *l.* sterling per annum.

Houses on the estates are found by the proprietor for all those persons, and the immediate expenses of living, washing, attendance on themselves and their horses, cost them out of their own pockets nothing.

It is easy to perceive, on summing up the whole of the diversified outlay on a sugar plantation in Jamaica, that the proprietor is put to much expense, from which the foreign cultivator is exempt. Clothing, medical attendance, and the various allowances given to the slaves, constitute the principal items of the annual expenditure. But if these be heavy, not less proportionately so is the amount of capital which the planter requires for the purchase and settling of his estate before he commences his operation of making sugar.

The size of sugar plantations varies from 500 to 3,000 acres, cultivated by 100 to 500 negroes: or 250 to 300 on an average, who will raise about 200 hogsheds of sugar. Large estates are relatively more advantageously cultivated than small ones; because the annual contingencies of a small estate, its buildings and utensils, the number of white servants, and the extent of their salaries, are very nearly on the same scale as on an estate probably double its magnitude. If, therefore, we take a large estate as a criterion, in calculating the sum per hundred weight of sugar, which is required to remunerate the planter for his fixed capital, we shall be rather under than above the average.

The capital on a sugar plantation may be divided into four parts: the land, the buildings, the stock, and the Negroes; but the land cannot be correctly estimated, because it is the Negroes and buildings alone which render it valuable.

An estate consisting of, say 300 Negroes, would require nearly 300 acres of cane land; these would require, perhaps, 300 head of stock, which demand two acres per head, equal to 600 acres; the Negro grounds and wood would be 500 acres more.

The price of land in Jamaica depends upon its situation. In seasonable parts of the country, and in the vicinity of the sea, it would be difficult to purchase a quantity of land sufficient for a good estate under 10 *l.* per acre. The cost of clearing land may be estimated at 10 *l.* per acre, and planting it in canes, including four clearings, would be 10 *l.* per acre in addition.

The buildings and works requisite on a sugar estate are,

| | | | | | |
|-------------------------|---|---|---|---|--------|
| A mill | - | - | - | - | £. 400 |
| Boiling-house | - | - | - | - | 1,200 |
| Curing ditto | - | - | - | - | 600 |
| Distillery | - | - | - | - | 600 |
| Copper and still | - | - | - | - | 2,000 |
| Dwelling-house | - | - | - | - | 900 |
| Trash-houses | - | - | - | - | 650 |
| Hospital | - | - | - | - | 400 |
| Mule stable | - | - | - | - | 300 |
| Sheds and appurtenances | - | - | - | - | 310 |

£. 7,360 currency, equal to 5,250 *l.*

Wishing to sell my works at Dundee, in the parish of Hanover, they were valued as above, without the waterworks; they could not have been built for 10,000 *l.* currency, and the erection of the waterwork, with its gutter, which is the most expensive part, and dependant upon local circumstances, could not be estimated at less than 5,000 *l.*

Negro house, say 12 *l.* for each family of six persons, at 2 *l.* per head.

The stock, which with us is very expensive, is the next portion of the capital of the sugar planter to be considered. In Jamaica the great difference in the expense of cultivating of sugar, compared with the foreign colonies, arises very much from the necessity of keeping a large field of Guinea grass, and a number of cattle for the purpose of making manure, without which sugar cannot be grown: there is no new virgin soil to resort to, as in Cuba and Brazil.

An estate with 250 to 300 Negroes, to produce 200 hogsheads of sugar, besides the cane field, requires 200 head of stock at least, and 400 to 500 acres of Guinea grass for their support.

| | | | |
|---|---|-------|--------------------|
| 3 year-old steers are now worth | - | £. 28 | currency. |
| Ditto, heifers | - | 22 | do. |
| Average 25 <i>l.</i> which for 200 is | - | - | £. 5,000 currency. |
| 500 acres of Guinea grass cannot be established at less than 12 <i>l.</i> per acre, and there is as much for felling and clearing the land ready to be planted, making in all 24 <i>l.</i> Every acre of Guinea grass has cost this sum to the person who planted it, but from the depressed state of Colonial property it might now be purchased probably for one-half | | | |
| | - | - | 6,000 |
| Currency | - | - | £. 11,000 |

The fences must be kept, and the grass cleared at a considerable expense of labour annually; and cattle, from the decrease by accidents, deaths or changing old cattle for young, say two old for one three years old, is an annual charge to a property, to the extent of 30 head per annum.

The cost of the slaves is the remaining and largest item of the capital vested in a sugar plantation; but it is very difficult to state the amount if we want a general and permanent scale for the Colony.

The cost of rearing Negroes, up to the period of active efficiency, has frequently been the subject of inquiry in Jamaica; and it has certainly undergone no diminution, notwithstanding the extremely low prices of produce for some time past; and the consequently decreasing means of the planter to maintain his capital unimpaired.

The age of 14 years was selected, by Mr. Bryan Edwards, I believe, as the period when the value of labour begins to exceed the cost of maintenance, and perhaps making allowances for the diversity of dispositions and capacities, this is sufficiently accurate for practical purposes.

The entire outlay to which the planter is subject in rearing his people, may be divided into the following heads, loss of labour of the mother, together with various allowances given to her; medical attendance; maintenance of the child; clothing; taxes; insurance of life; interest of money.

When a woman lies in, the following allowances are usually made :

| | <i>s.</i> | <i>d.</i> | <i>£.</i> | <i>s.</i> | <i>d.</i> |
|--|-----------|-----------|-----------|-----------|----------------------------------|
| 1 quart sugar, value in Jamaica currency | - | - | - | 10 | - |
| 1 ditto, rice | - | - | - | 1 | 8 |
| 1 ditto, flour or arrow root | - | - | - | 1 | 8 |
| 1 piece salt pork, or fresh meat | - | - | - | 3 | 4 |
| 1 piece soap, 10 <i>d.</i> ; 2 candles, 1 <i>s.</i> 8 <i>d.</i> | - | - | - | 2 | 6 |
| | | | - | 10 | - |
| A blanket is also given to the mother | - | - | - | 6 | 8 |
| Calico and flannel | - | - | - | 4 | 2 |
| Rum | - | - | - | 1 | 8 |
| | | | - | 12 | 6 |
| Allowance in money to mother, midwife, and attendant | - | - | 3 | - | - |
| Loss of mother's labour : | | | | | |
| Before delivery | - | - | - | 3 | months |
| After ditto | - | - | - | 1 | ditto. |
| Half labour during 12 months | - | - | - | 6 | ditto. |
| | | | | 10 | months at 10 <i>s.</i> per week, |
| | | | | | or 40 <i>s.</i> per month. |
| Nurse, 10 days | - | - | - | 20 | - |
| The mother gets weekly allowances, for the first year, of sugar, | - | - | - | 15 | - |
| rice, or flour, of value at least 3 <i>s.</i> 4 <i>d.</i> per week | - | - | - | 8 | 13 4 |
| E 3 | | | | | (continued.) |

This exhibits a great mortality in infancy; but according to returns of most of the healthiest countries in Europe, one-third of the population born die under three years; and in London it has been stated that the proportion of deaths, in infancy, reaches one-half.

It is easy to perceive that the insurance of life thus forms a heavy charge in the cost of rearing Negroes, though the process of calculation must be tedious and difficult. The whole of the charges combined would amount to 180*l.* currency, or 120*l.* sterling; which though it appears high, can be established on positive evidence.

It must be acknowledged that the actual selling price of Negroes in Jamaica is considerably under this sum; but that depreciation the colonists consider should not be taken as indicative of a permanent state of things: it is attributable to political causes, to the insecurity of property caused by the measures of the mother country, and to the very general distress which pervades all the West Indies.

The Negroes, it is well known, constitute the means by which the capital of the proprietors is rendered productive; and according as their value is great or small, will be the value of colonial property in general.

In any comparison with colonies where the slave trade is in active operation, it is evident that, viewing the subject merely as a commercial question, detached from considerations of moral duty, which are more strongly felt in the British than in the foreign colonies, we are under immense disadvantage. Exclusive of the additional cost of rearing slaves, compared with that of importing them full grown from Africa, we have to clothe and maintain at least two-thirds of our people, from whom we obtain little or no beneficial labour. Where the slave trade is permitted, active men only are purchased, whose labour becomes immediately effective. In Jamaica there is seldom so many as one-third in the great gang; and the extra cost of the invalids, and the helpless, may be said to be fully equal to any labour obtained from those who are past their prime, but not quite superannuated. It may therefore be assumed, that the Cuba and the Brazilian planter is exempt from nearly two-thirds of the outlay, in respect to the slaves, to which the Jamaica planter is subject; or what is the same thing, that the former gets from the same number of people, proportionably, a greater quantity of produce.

The following Table shows a daily Return of the Distribution of Negroes on my estate, Georgia.

| | | | | REMARKS. |
|-------------------------------|----|-----|----|--|
| Great gang, drivers and cooks | 77 | - - | 29 | planting Penguin fence round Tomspring ps.: 40 weeding and moulding canes on Tomspring ps.: 8 cleaning provisions in Mountain. |
| Second ditto - - ditto | 31 | - - | | weeding and moulding canes on Negro grounds. |
| Third ditto - - ditto | 27 | - - | | ditto ditto ditto Dundee Bottom. |
| Grass cutters - - ditto | 11 | - - | | cutting Guinea grass. |
| Watchmen and cooks | 15 | - - | | partly trimming fences. |
| Mulemen, &c. | 5 | - - | | supplying pens with grass. |
| Cartmen with loaders | 4 | - - | | carrying rubbish to the pens. |
| Coopers | 6 | - - | | |
| Masons and cook | 8 | - - | | pulling down the old wall at Basbay. |
| Carpenters' ditto | 11 | - - | | |
| Smiths - - - - | 3 | - - | | at their occupations. |
| Attending stock | 12 | - - | | |
| Great house domestics | 3 | - - | | |
| Overseers ditto | 17 | - - | | two of which barracks. |
| Invalids | 35 | - - | | |
| Young children | 36 | - - | | not old enough to work. |
| Washerwomen | 5 | - - | | |
| Pregnant 9, midwives 2 | 11 | - - | | |
| Attending on young children | 4 | - - | | |
| Ditto Robert Hibbert | 1 | - - | | old head driver. |
| Ditto Mary Riley | 1 | - - | | ditto midwife. |
| Ditto Nancy Tharp | 1 | - - | | ditto doctress. |

40 COMMERCIAL, FINANCIAL, AND POLITICAL STATE OF

| | | | | |
|---|---|---|---|-----|
| Taking day | - | - | - | 3 |
| Hospital and attendants | | | - | 21 |
| Yaws house ditto | | - | - | 5 |
| Still house | - | - | - | 1 |
| Rat catcher | - | - | - | 1 |
| Ranging Negro grounds | | - | - | 1 |
| Watching ditto | - | - | - | 16 |
| Exempt from labour, in consequence of having six children each | | - | - | 2 |
| Runaways | - | - | - | 1 |
| Total | - | - | - | 375 |

REMARKS.

I have not adverted to the effect of proceedings in the mother country, or of the recent measures of amelioration in diminishing the labour obtained from the slaves; though if a comparison be instituted between Jamaica and the foreign colonies, it is but fair to take these considerations into the account.

Many of the measures dictated to the colonists, have tended to sever the good understanding hitherto subsisting between the master and the slave; and if this unfortunate result should ever be entirely accomplished, sugar cultivation will be transferred to the foreign colonies.

27.—STATEMENT of Mr. *Hugh Hyndman*, who resided in Demerara, for a considerable number of years.

IN Demerara, the food and clothing required by the Negroes are provided by the proprietor.

By the 22d clause of the Slave Ordinance, which was passed by the Court of Policy of Demerara, and sanctioned by His Majesty's Government, in July 1825, the previous practice of the colony was embodied in the law, and it was enacted that all slaves be properly supplied with customary provisions; that there be provision grounds on every estate, one acre for every five slaves, or a weekly allowance of food, which the proprietor is required to purchase if his grounds be insufficient, and that every slave be supplied with proper clothing, under penalty of 150 guilders for every slave not properly provided.

It is customary to give every working Negro two or three pounds of good salt fish; the head person receives four pounds, and the children one pound per week; and when these cannot be obtained, beef, pork, herrings, or other things in proportion. Salt, pipes, and tobacco, are occasionally given; and extra allowances at the holidays, of beef, pork, rice, sugar, rum and tobacco. The children have rice constantly. Upon estates where there is abundance of plantains, the Negroes are generally at liberty to cut as many as they require; and where there is not a sufficiency of plantains grown on the estate, they are purchased, and two bunches per week are given to the Negroes.

The head people get two glasses of rum a day, and the rest of the gang generally one, and in bad weather in crop time sometimes two.

The distribution of clothing is liberal. The working people get a complete set of clothes annually, and double allowance to the head men. Linens, checks, osnaburgs and salempores, needles and thread are given to the whole; with a blanket to each, every second year, and in some cases every year. Occasionally knives, razors, scissors, looking-glasses, iron pots, and fish-hooks, with many articles of convenience are given to the grown people. Most of these are peculiar to the British Colonies, and are not given to slaves in Cuba or Brazil, according to the best information which can be procured of the state of cultivation in those settlements.

In addition to the indulgences which have been particularized, the Negroes cultivate various roots and vegetables for themselves; and about their houses they raise every description of feathered stock peculiar to the country, of which they effect a ready sale, either in their respective districts, or in the town market.

The labour required of an able-bodied man varies according to the quality of the soil. In holling land, the usual quantity is about 15 roods, or 450 feet. Weeding young canes, about 30 beds, or 9 to 10 Negroes to weed an acre; but some do more: 15 Negroes to cut and carry canes for one hogshead of sugar, where the average distance of carriage is 25 roods each way: this depends upon the state of the

the canes, if they are clean, and a good crop on the ground. In digging trenches, one rood of a ten-feet trench, four shovels deep, is the usual task for one man.

The medical attendance is on a liberal scale on every plantation: two dollars per annum are paid to the doctor for each Negro, young and old, and extra allowances for all operations of magnitude, as likewise allowances for the whites attached to the respective estates. Every hospital has an attendant attached to it, who is generally capable of performing all the duties of an apothecary, and under him is usually another (for the most part a woman) whose more particular department is the nursery. Besides this, when a Negro is very seriously ill, his nearest female relation is always allowed to remain with him; as is also the mother with her child, even though grown, if but slightly indisposed.

When a Negro is dangerously ill, and medicine is required to be given to him during the night, it is by no means unusual for the overseer to remain all night in the hospital. It is his duty to see the prescriptions carried into effect, unless the manager does it himself, which is frequently the case. And in every instance, where wine, food, or any particular clothing is ordered by the medical attendant, however expensive or difficult to be procured, it is furnished by the proprietor; no matter whether the patient is a young or valuable Negro, or whether he is an old Negro quite incapable of labour.

The buildings erected for hospital accommodation are in general lofty, spacious and well ventilated. Some hospitals built within the last four or five years, are finished in a style equal to a proprietor's dwelling-house; the window-sashes hung on pullies; the walls and ceilings painted; the apartments well arranged, and neatly finished; built on brick pillars, seven or eight feet from the ground, two stories high from the pillars; and some are three stories, with airy comfortable apartments, in the upper story, for lying-in women.

When a woman proves pregnant, she immediately relaxes from her usual quantity of labour, and a young or weakly Negro is put to assist her; or she is sent with the weak gang, where the work is lighter. Here she continues till her sixth or seventh month, after which she does little or nothing: but under the idea that exercise is absolutely necessary for her health in this state, she is enjoined to keep moving about until her confinement, when she is allowed rice or barley, and sugar, besides her usual allowance of food. A person also is ordered to attend her, besides the midwife, during fourteen days. At the expiration of six weeks she brings her infant to be named, after which, in about two months she again resumes her labour, but for twelve months, it is very little to be calculated upon: she does not turn out for half an hour after the rest of the gang, in the morning: in about two hours she returns, and remains with her child, half an hour before the rest of the gang: the same is again repeated in the afternoon. On the slightest indisposition of the infant, she resorts with it to the sick-house, where she remains until she chooses to leave it of her own accord: her work in the field being so little calculated upon for twelve months, that it is a matter of indifference whether she is there or not.

Mothers of children do not turn out for half an hour after the rest of the gang, and they leave the field half an hour before the others, until their children are two years of age, and sometimes older: exclusive of all this there are two matrons to attend to the young children, and feed them during the absence of their mothers.

Women with young children are allowed an extra allowance of rice, or other light food for their use, until the children are older; when they are regularly fed by a cook who has no other employment.

The cost of rearing Negroes, up to the period of active efficiency, may be estimated from these details respecting the domestic economy of sugar plantations.

The age of fourteen years is generally selected as the period when the value of labour begins to exceed the cost of maintenance. There will be a difference according to the capacity and aptitude of the youth: but if some bring in clear returns to the proprietor before the age of 14 years, others will not be similarly efficient until they are some years older.

The cost for clothing and some other articles of outlay increases, as the children grow up; and if we assume the expenses at 14 to be the same as at eight years of age, we make allowances for the value of any little services that may be performed before the stated period of active efficiency.

The calculation therefore will stand thus :—Cost of maintenance for 14 years :

| | | | | | |
|--|---|---|----|----|------|
| Food, consisting of rice, plantains, fish and occasionally syrup, and extra allowance in case of sickness, 1 guilder per week, 728 guilders ; exchange at f. 14 per pound sterling, equal to | - | - | 52 | - | - |
| Clothing from the age of one to eight years at 15 s. per annum | - | - | - | - | £. 6 |
| From 8 to 14 years of age, 20 s. | - | - | - | - | 6 |
| <hr/> | | | | | |
| Doctor's attendance, 2 dollars per annum | - | - | - | 12 | - |
| | - | - | - | 6 | - |

Loss of labour of mother,
before delivery - - 3 months.
after delivery - - 2 -
Half labour during 10 months 5 -

10 months, at ten dollars } £. 20 8 4
per month -

Taxes, viz. Capitation tax :

from 3 to 12 years, 1 guilder per annum, 9 guild.

12 to 14 - 3 ½ - - - 7

16

£. 1 2 10 ½

Insurance of life forms a very necessary charge in calculating the cost of rearing a Negro. It has been estimated that out of the slave population, one in three die before reaching the age of 14 years. Of these the greatest number die in infancy, perhaps about the following proportions :

Out of one hundred deaths under 14 years of age :

70 die before 2 years of age.

20 - from 2 - to 6 years.

10 - from 6 - to 14.

On these data, the cost of insurance may be calculated by apportioning the expenses incurred upon those who die amongst those who survive.

Interest of money is the remaining charge, which at the lowest calculation should be taken at the colonial rate of 6 per cent. There is the positive outlay expended on the Negro in the early stages of infancy, for which no remuneration is obtained for many years. This expenditure of capital, if directed in another channel, would have yielded regular periodical returns, and of course when employed in rearing Negroes, compound interest is to be calculated on each progressive annual outlay. All these charges combined, without allowing for occasional infirmities or bodily defects, will make the cost of rearing a youth 14 years of age upwards of 160 l., and perhaps a promising youth of that age would be worth about 20 l. or 30 l. more than the general average of the entire Negro population in Demerara.

It may be worthy of observation, that in Demerara the general opinion is, that the selling value of slaves is above the actual cost of rearing them. A great proportion of the sugar planters are short handed, or pinched in their cultivation for want of strength, and they are consequently disposed, whenever a suitable opportunity offers, to purchase slaves at comparatively high prices, in order to keep up the cultivation and general productiveness of their plantations. When the slave trade was in active operation, chiefly able and efficient men were imported from Africa ; the numbers of the sexes were very unequal, and besides there was an undue proportion of adults. It is reasonable therefore to suppose that the efficient slaves in Demerara will bear comparatively a high price, until society assumes the same equal proportions, in regard to breeding people, as exists in other countries.

The latest extensive sale which has taken place in Demerara, was of 140 people, situated at an estate named Essex Mahaica. The average price was 130 l. sterling per head ; and it is not probable that it will fall much below that rate, because a planter who has his capital sunk in buildings and works is constrained to keep up the number of his labourers, or else he would lose all his fixed capital.

The proportion of effective people on plantations is generally estimated at one third, and, from several estates which have come under my own observation, this calculation is sufficiently accurate for all practical purposes.

The

The value of the land, buildings, works and machinery of sugar plantations in Demerara, naturally varies according to their size, situation and general productiveness ; of the entire plantations in Demerara, there are

| | |
|-----|----------------------------------|
| 64 | which have less than 100 slaves. |
| 106 | which have from - 100 to 200. |
| 75 | — 200 to 300. |
| 65 | — 300 and upwards. |

The sugar estates are principally large, and one of 280 Negroes might be selected as forming a fair average for the colony.

The fixed capital of this estate may be divided into works erected in the colony, and imported articles.

| | |
|--|-------|
| The imported articles consist of steam-engine, pans, apparatus and machinery of various descriptions for the mill, boiling-house and distillery ; their value may be | £. |
| - - - - - | 5,000 |

The colonial works, independent of imported articles, may be thus valued :

| | | |
|--|-----------|--------|
| | £. | |
| The Mill - - - - - | 700 | |
| Boiling-house - - - - - | 2,000 | |
| Curing-house and molasses cisterns - - - - - | 1,000 | |
| Distillery - - - - - | 500 | |
| Hospital - - - - - | 1,000 | |
| Dwelling-houses for managers and overseers - - - - - | 1,200 | |
| Negro-houses - - - - - | 1,400 | |
| | | 7,800 |
| The prime cost of the land, say 400 to 500 acres, may be taken at 100 guilders per acre. Exchange f. 14 pound sterling - - - - - | 3,220 | |
| Expense of clearing it, erecting dams, and putting it in a state of cultivation, 10 <i>l.</i> round, on 450 acres - - - - - | 4,500 | |
| Sluices and bridges, 800 <i>l.</i> to 1,200 <i>l.</i> - - - - - | 1,000 | |
| Provision grounds, 5 acres for every 20 Negroes, equal to 70 acres, at 12 <i>l.</i> per acre - - - - - | 840 | |
| | | 9,560 |
| Boats for shipping the produce : | | |
| Schooners - - - 10,000 | | |
| Punts - - - 4,000 | | |
| | f. 14,000 | |
| | | 1,000 |
| Stock of mules and horses - - - - - | 400 | |
| | | 1,400 |
| | £. | 23,760 |

28.—STATEMENT of Mr. *Robert Neilson*, who resided for a considerable number of years in Trinidad.

THE general expenses of cultivation in this colony can best be estimated by a detail of the allowances which are given by the planters to the slaves.

Each working Negro is regularly allowed three to four pounds of salt fish, or in lieu of this three to four pounds of beef per week. He is never refused molasses or some sugar. He derives much additional support from his own garden, or poultry-house, or pig-yard. If a Negro become infirm by age or accident, he is supplied with food, and every pains taken to administer to his comfort. A Negro with a family has a house provided for him 22 feet long by 13 feet broad, divided into two rooms ; if the family become numerous the house is enlarged. The houses of the Negroes on the plantations are arranged so as to be airy and convenient ; they are about 30 feet asunder, and are laid out in streets, so as to afford all the advantages of society, without any of the disadvantages of a crowded population.

This arrangement serves to maintain family privacy, and it also allows room for gardens adjoining each house. Every Negro is thus enabled to avail himself of employing his leisure hours profitably; materials are given on proper application to build kitchens or poultry-houses, or to prepare pig-yards. These advantages are generally embraced, as they prove not only a source of comfort, but of profit. A slave is generally granted as much ground as he can carefully cultivate himself, or can cause to be cultivated by his family, and when he wishes at any time to have his things carried to market, he is seldom refused a cart from the estate. He is sometimes permitted to attend the principal market at Port of Spain on Saturday morning; and indeed the vegetable and poultry markets are, for the most part, supplied by slaves.

In respect to clothing, every slave is provided with a hat annually; the Negress receives a hat and handkerchief for a head dress; each individual receives six yards of pennistones for an outside covering; nine yards of coarse linen for shirt and trowsers, besides three yards of white linen for a fine shirt. Every slave is provided with a blanket; this yearly allowance of clothing is distributed at Christmas, but the slaves, at different times, add to their dresses and ornaments, from their own resources, and they are fond of displaying their best dress on holidays.

If the outlay is thus liberal on the part of the proprietor, he is debarred by the regulations of the Colony, from overworking his people. At six o'clock in the morning, the Negroes are summoned to work. Before commencing, they generally take a cup of coffee, or a glass of rum, or some other warm beverage. In damp weather, rum is supplied from the estate. Work is continued until eight o'clock, when three quarters of an hour, or a little more, is given for breakfast; work is then resumed until noon. The services of the Negroes are not required from twelve o'clock until two. They employ this time in refreshment, or in cultivating their own gardens, as they please. After dinner, work is re-commenced, and continues until six o'clock in the evening. The roll is then called on many estates, and prayers are read to the assembled slaves, by some proper person, after which the elder individuals are dismissed for the night; the younger part frequently are engaged for an hour longer in receiving religious instruction.

Each estate is provided with an hospital; it is fitted up with several apartments, where the sexes are kept separate. There are beds, mattresses, and bed-clothes. The most intelligent Negress, in whom confidence can be placed, is chosen as sick nurse. A doctor visits the hospital three times a week, or oftener, if necessary. There is an hospital book, in which the various complaints and treatment of the patients are respectively registered by the doctor. Medicine and nourishment are administered according to his prescriptions. When a Negro is seriously ill, and wishes to be visited by a clergyman, due regard is paid to his feelings. If a Negro die, a decent funeral is appointed at the expense of his master; a place of interment is purchased, and if the Negro has been remarkable for his services or his fidelity, his funeral is made as impressive as possible to his surviving friends. All masters are required to have their slaves vaccinated; there is a fine levied in case of neglect of this duty.

After the crop, slaves, besides the holidays during the year, have a day every fortnight, or half a day every week, to attend to their own affairs. The Christmas holidays are times of great festivity. There is an additional allowance of 3 lbs. of pork, 1 gallon of flour, 1 lb. of tobacco, and some rum and sugar. The ordinary amusement of the slaves is dancing. Almost every Saturday there is a ball on each estate, or on the adjoining one, and frequently the dresses of the female slaves are worth considerable sums of money.

Mothers, with young children, are not asked to go to the field in the morning before seven o'clock. They are allowed an hour and a half for breakfast. Their services are not required from eleven o'clock until three. They cease work shortly after five o'clock.

Women, during the last month of pregnancy, do not attend to any business, and at their lying-in they are assisted by a proper woman. They are allowed wine, and three pounds of beef a week, in addition to the usual allowance of fish.

Children are not weaned until they are fifteen or eighteen months old, during which time they are allowed half a gallon of flour, or of rice, per week. The mothers who have five or six children, are not obliged to work. They are allowed to devote their whole time to their children; besides, there is a general nursery for those children whose parents are employed during the day.

Children, from two to nine years old, are kept by an experienced Negress, who teaches them several little exercises, and to say their prayers. Children of this class have an allowance of half the quantity of provisions given to full-grown persons. When children have arrived at nine years of age, they are taken out of the nursery, and gradually taught to make themselves useful in various ways. At this age they receive a full allowance of provisions, but it will be a few years later before their services can be said to be positively valuable to their masters.

The expenditure on a child before its labour becomes productive may be thus stated:—

| | £. | s. | d. |
|---|----|----|-----|
| The first year (exclusive of allowances to the mother) - - - | 6 | - | - |
| The next year - - - - - | 2 | - | - |
| Two to nine years of age, half allowance, 3 <i>l.</i> per annum - - | 21 | - | - |
| Nine to fourteen years - - - 6 <i>l.</i> ditto - - - | 30 | - | - |
| The doctor's attendance is two Spanish dollars, or 8 <i>s.</i> 2 <i>d.</i> each, per year - - - - - | 5 | 14 | 4 |
| Taxes, treasury, &c., 20 dollars - - - - - | 4 | 1 | 8 |
| Alguazil - 3 ditto - - - - - | - | 12 | 3 |
| The loss of labour of the mother may be estimated at five months' positive loss, and fourteen months' half loss, equal to twelve months, at 8 dollars per month - - - - - | 19 | 12 | - |
| | £. | 89 | - 3 |

When the other charges, for risk of life, and interest of the money sunk in rearing the Negroes is taken into the account, the cost will be not far from the actual selling price in the Colony.

| | Sterling. |
|--|-----------|
| The estates in Trinidal, in general, do not contain more than from, say 120 to 180 Negroes. The buildings on an estate of this description, in round numbers, would be worth - - - | £. 7,000 |
| The land in a state for cultivation - - - - - | 10,000 |
| The stock - - - - - | 2,000 |

On this estate there would be a water mill.

From this amount of capital, it will be found that a return of upwards of 20*s.* per cwt., in addition to the contingent expenditure, is required to give the proprietor a moderate per centage on his capital.

29.—STATEMENT of Mr. J. P. Mayers, relative to the Treatment of the Slaves in Barbados.

BARBADOS is peculiarly distinguished from most of the West India Colonies, by the large quantity of provisions which is raised within the island, in place of depending upon foreign supplies. This, no doubt, is attributable to the crowded state of the population; to the traffic which takes place with the troops, and to many local circumstances consequent on the great division of property.

The details of management on sugar plantations were formerly described on oath, in the year 1824, to a Committee of the Council of Barbados, appointed to inquire into the actual condition of the slaves; and that evidence may be taken at the present time as showing a fair statement of the expenses to which sugar planters are subject, quite uninfluenced by the great fall which has since taken place in the price of colonial produce.

Each grown Negro, it is stated, has, per day, 1 $\frac{1}{2}$ pint of Guinea corn, or 2 pints of Indian corn, making 4 $\frac{1}{2}$ or 5 pounds when dressed; or, 4 $\frac{1}{2}$ or 5 pounds of roots, and sometimes more when there is any great abundance, as is often the case, of these crops; in addition to which a plentiful meal is provided for every one at dinner. They have all a pint of ginger tea every morning, before they set to work, with an allowance of weak "diversion," that is, rum and water, sweetened with molasses, once or twice a day, and a pint of beverage made of molasses and water.

They have also a weekly allowance of 1 pound of fish, 1 pint of molasses, and half a pint of salt; on festivals they have extra allowances of pork and other provisions. The children have three dressed meals daily, which is served to them under the eye of the manager, or some confidential servant. The old and infirm people are also provided with dressed meals.

The clothing for every man is a pennystone jacket, an Osnaburgh shirt and trousers, and a woollen cap or hat.

The women have a full-sized jacket of pennystone, an Osnaburgh petticoat, a handkerchief, and a woollen cap.

On some estates, they have a check chemise besides, and the children have likewise an annual suit. This quantity of clothing may appear insufficient for a year, but the Negroes, or at least the industrious part of them, have ample means of procuring additional raiment, and they are always observed to be not only decently, but comfortably clad.

A house is built for each family, at the expense of the estate; the Negroes have a small piece of ground allotted to them, on which they cultivate, for themselves, provisions and other crops; by the sale of which, and the rearing of hogs and poultry, they are enabled to indulge themselves in dress and other comforts. The superannuated and infirm people have all their allowances continued for life, and often receive extra helps.

The hours of work are generally from about six in the morning, or in the long days, a little before, till nine, when an hour is allowed for breakfast. They again set to work at ten, and come home to dinner at one; at three they set to work again, and work till six, or in the long days, when the sun sets after six, it might be a little after, so that they seldom work more than three hours at a time; and not more than nine hours for the day, at that season of the year when the days are short, and nine hours and a half when the days are long. In crop time, a few people employed about the works are detained until eight or nine o'clock at night, and sometimes, but very rarely, later.

There is a good hospital on almost every estate, which is generally a clean, well-ventilated building, provided with cabins and other conveniences, and beds for such as are ill to lie on. To the sick, proper and regular nutriment is allowed, and no expense is spared for such articles as the doctor thinks necessary for them. A practitioner attends every day, and a surgeon or physician is called whenever required.

From the time that breeding women report themselves with child, they are withdrawn from the large gang, and employed about very light work, until delivered. Baby linen is provided for them, candles and other necessaries sent them, a midwife paid to attend them, and a nurse of their own choice to keep them at home for the month which they are allowed to stay in the house, and upon coming out, they receive a small present of money. When the children grow a little stronger, the mothers come out at seven o'clock in the morning, leave the children in the nursery, and go to work; they come home at nine, go to work again at ten, and draw off at twelve.

In the afternoon, they go to work at three, and draw off at five; they then come home, and take their children to their houses. The children are generally weaned at the end of eighteen months. On every estate, a proper building for a nursery is erected, where the infants are kept during the day, under the care of elderly women, as nurses, with a sufficient quantity of pap provided to feed them with, in the absence of their mothers.

From this general statement, the cost of rearing slaves, or of maintaining them up to the period of active efficiency, may be thus stated:

| | £. | s. | d. | £. | s. | d. |
|--|----|----|--------------|----|----|----|
| Cost of maintenance, including the dressed meal daily, corn and ginger tea, the fish, yams, eddoes, and sundry allowances | - | - | 1 year | - | 1 | 10 |
| Ditto | - | - | 1 to 5 years | - | 8 | - |
| Ditto | - | - | 5 to 14 | - | 24 | - |
| Mother, on bringing out infant | - | - | - | - | 4 | 6 |
| Weaning ditto | - | - | - | - | 2 | 6 |
| Sundry allowances, medicines and nourishment | - | 2 | - | - | - | - |
| Loss of labour, before and after delivery, equal to about 220 days, at 10 d. per diem | - | - | - | - | 9 | 11 |
| Midwife's attendance on delivery | - | - | - | - | 10 | - |
| Apothecary's ditto, at 4 s. 6 d. per annum, for 14 years, exclusive of occasional or casual visits of the physician or surgeon | - | - | - | - | 3 | 3 |
| Taxes 2 s. 6 d. per annum for 14 years | - | - | - | - | 1 | 15 |
| Clothing, which one year with another may be taken at 17 s. per annum round, for 14 years | - | - | - | - | 11 | 18 |
| | | | | | 62 | 14 |
| | | | | | | 8 |

Independently of these charges, there is the insurance of life, and interest, operating at a compound rate, for 14 years, which will swell the above outlay to a large amount.

But on account of the peculiar system which prevails in Barbados, of the Negroes raising a large quantity of provisions for themselves, it is probable that the apparent cost of rearing slaves is less than in the other West India Colonies. In point of fact, as the proprietor provides the land, and puts it in order, he ought to make some charge, in making an estimate of the cost of rearing Negroes, for that portion of sustenance which is provided within the families of the Negroes themselves; if this be added to the cost, the result will nearly approximate to that of the other colonies.

| | |
|---|-----------|
| The costs of erecting buildings on a sugar estate of 280 Negroes, may be taken at | £. |
| - - - - - | 6,000 |
| The cost of the land of this estate, say 400 acres, would be 40 l. per acre | 16,000 |
| The cost of the stock and sundry other appurtenances | 2,000 |
| The Negroes, 280 in number, would cost, say 70 l. a head (which, all things regarded, is considerably under the cost of rearing them) | 19,600 |
| | <hr/> |
| | £. 43,600 |

This estate would produce about 150 hogsheads of sugar, of 15 cwt. each, and if we suppose 10 per cent a fair return upon the capital invested, 29 s. per cwt. are required to give the planter a fair interest on his capital alone. The annual contingent expenditure in Barbados is fully 18 s. per cwt. making in all 47 s. exclusive of duty, which it would be requisite for the planters to realize, in order to restore prosperity to this colony.

The salaries paid to managers are 100 l. to 150 l. per annum. The key-keepers have from 20 l. to 30 l., and one or two apprentices 12 l., besides which, occasional salaries are paid to white tradesmen.

It is computed that Barbados contains rather more than 100,000 acres, about 80,000 of which are in cultivation; the number of slaves at the last registration exceeded 80,000, and the population, for a series of years, has been progressively increasing.

The average size of estates, I am inclined to think, is near 200 acres. The average number of slaves about 120 to each estate.

For further details I cannot do better than refer to the examinations before the Council of Barbados in 1824, together with the report of the Council itself.

The impoverished planters of this ancient possession of the Crown have spent large sums in improving the qualities of their sugar, and in raising their colony to that garden state of cultivation which is so much admired by every visitor; and they will be obliged to fall, at last, under their distress, unless the mother country introduces timely measures to relieve them.

30.—STATEMENT of Mr. *Nugent*, who resided for several years in Antigua.

IN answer to your inquiry, whether or not the treatment of the slaves, and the expenses of cultivating sugar plantations in Antigua, St. Kitts and the Virgin Islands, differed from those of the British West India islands generally, I have to reply, that I am not aware of any material distinction, unless, probably, that the crops with us are more precarious, and the expenses, compared with the returns, relatively greater than in the more recently settled colonies.

Sugar has long been cultivated in Antigua, and the Virgin Islands. All the land adapted for the growth of the cane, has been wrought for several generations, and the planters are obliged to manure this land, at a heavy annual expense; which, with the cost of clothing and feeding their Negroes, does more than absorb the pittance of returns, which, latterly, they have been able to obtain from the sale of their sugar.

It is well known that the expenses of clothing and feeding the Negroes cannot be diminished. They are provided by law, and in periods of distress, like the present, the unfortunate planters are obliged to borrow money, in order to give the customary allowances to their people.

The great distress in the British Colonies is generally considered to proceed from the flourishing state of foreign colonies, caused by the continuance of the slave-trade. Newly imported slaves, it is stated, are purchased for less than 40 *l.*, while, efficient slaves, with us, cannot be reared for three times that amount, as will appear from the following statement :

| | | | | | | Antigua Currency. | | | | | |
|---|---|---|---|---|---|-------------------|----|----|----|-----|------|
| Expenses of a Negro child for one year : | | | | | | £. | s. | d. | £. | s. | d. |
| Estate allowance for food | - | - | - | - | - | 4 | 5 | - | | | |
| Pot allowance—say one half | - | - | - | - | - | 2 | 2 | 6 | | | |
| Clothing | - | - | - | - | - | - | 10 | - | | | |
| Doctor's charges, per annum | - | - | - | - | - | - | 9 | - | | | |
| Christmas allowance | - | - | - | - | - | - | 4 | 6 | | | |
| | | | | | | <hr/> | | | 7 | 11 | - |
| Midwife, present to mother, vaccination | - | - | - | - | - | 2 | 5 | - | | | |
| Expenses for candles, rice, arrow root, sugar, baby-linen, &c. | - | - | - | - | - | 2 | - | - | | | |
| | | | | | | <hr/> | | | 4 | 5 | - |
| This is exclusive of occasional medical charges for operations, wine and extra nourishments for the sick. | | | | | | | | | | | |
| The above 7 <i>l.</i> 11 <i>s.</i> may be taken as the annual expenses for 5 years | | | | | | | | | 37 | 15 | - |
| One third more may, perhaps, be fairly taken for the additional expense from 5 to 14 years, viz. 9 years at 10 <i>l.</i> 1 <i>s.</i> 4 <i>d.</i> | | | | | | | | | 90 | 12 | - |
| The taxes in some parishes, St. John's, for instance, are 9 <i>s.</i> to 10 <i>s.</i> per head, exclusive of any extraordinaries levied by the Assembly—perhaps they may be estimated at 4 <i>s.</i> 6 <i>d.</i> per head, generally, per annum | | | | | | | | | 3 | 3 | - |
| | | | | | | | | | £. | 135 | 15 - |

This statement of the cost of rearing children is in aid of what the parents are enabled to do by the protection, assistance and encouragement they receive from the master, in holding cottages and grounds gratis ; and especially in the rearing of sheep, goats, pigs, rabbits and every variety of feathered stock ; also in the disposal of vegetables, fruit, firewood and grass.

By the law, pregnant women are not to labour after six months gestation, but the practice is for them to be up at two or three months at farthest, though they are generally required to make an appearance two months after delivery, during the middle part of the day—say after breakfast-time, and till four in the afternoon, for the sake of regularity and discipline. Their labour is to be estimated as nothing until the child is weaned, and many months are thus entirely lost ; the value of labour of the mother may be estimated at eight dollars per month. This loss has clearly to be added to the cost of the child ; and when insurance of life and interest upon the capital expended are taken into account, the cost of rearing a slave to the period of active efficiency will be above 240 *l.* Antigua currency, or 120 *l.* sterling.

In Antigua, and I believe in all the Virgin Islands, we cannot estimate the number of effective slaves at much more than one-third of the whole number. Nearly two-thirds of the slave population, at any given moment, are unproductive—that is to say, out of every hundred you must have sixty or so, who are either aged and superannuated, permanently infirm and disabled, temporarily sick, or lying up from some cause or other, or attending on those who are so ; infants and young children ; women pregnant, lying-in or giving suck ; and the incorrigibly idle and vicious, undergoing, perhaps, punishment or confinement.

31.—STATEMENT of Mr. *H. Stouder*, who resided for many years as a Planter in the Island of Cuba.

THE island of Cuba, deprived at present of its former relations with the provinces of the Spanish continent of America, has its commerce reduced to such operations as arise out of its agriculture ; and the latter, as far as regards foreign relations,

relations, embraces three principal articles—sugar, coffee and tobacco. The first article is the most important ; and the one which has principally contributed to the prosperity of this country. But I cannot disguise from you that at present it is menaced with a decline, unless it receive all the assistance that can be given to it.

It is generally believed that the increase of consumption of sugar cannot keep pace with the increase of produce ; and the cause of this over-production is the effect of an enterprising spirit, so active in its results, that the returns of many former years are, at the present time, the work of one. Such has been the assistance given by the perfection and invention of arts, by which aids, quantities are doubled and tripled.

The cane is a plant common to all the tropical countries, and it is now found that it will thrive even in more northern latitudes, as the southern parts of Spain, and the southern provinces of the United States. Modern industry, active and intelligent, has not failed to observe, that the growth of the cane has been the chief remunerating branch of agriculture in these parts ; and therefore, not only has it been established in all parts of this island, but also in Porto Rico. Brazil, besides, as well as many other extensive countries, has enormously increased its produce and improved the process of manufacture. It is, therefore, of the utmost moment to diminish the influence of the existing competition ; to remove whatever disadvantages may press upon our mill-owners ; and to improve the advantages which they have at their command.

In our favour there exists, to the present day, a quality of sugar superior to that of other countries ; but it is certain that the brown and white sugars of Brazil have much improved ; and, with the progress which our rivals are making, it is problematical whether we can long continue the pre-eminence that we have already obtained. The proprietor of a mill is imperatively called upon to introduce whatever improvements may be possible, and that economy which is not opposed to humanity.

In order to illustrate the process and expenses of cultivation, the pressure of our exports' duties, and all other circumstances which impede the progress of our prosperity, I shall give a statement of the outlay on a sugar plantation producing 1,000 boxes of sugar.

The valuation of the land and mill, houses and Negroes, according to an actual disbursement of capital is 80,000 dollars, but this will vary 20 per cent or more, according to the manner in which a planter may have formed his establishment.

| | | | | |
|---|---|---|---|----------------|
| There would be expended annually, as the presumed | | | | |
| value of provisions | - | - | - | 600 dollars. |
| Value of linen and woollen clothing | - | - | - | 600 — |
| Iron work for house and chaldrons, and tillage | - | - | - | 600 — |
| Copper of all descriptions and plates | - | - | - | 300 — |
| Planks for chests and manufactory | - | - | - | 600 — |
| | | | | <hr/> |
| | | | | 2,700 — |
| The import duties would be | - | - | - | 540 — |
| | | | | <hr/> |
| | | | | 3,240 dollars. |

The weight of the sugar is 400 lbs. Spanish, per box, amounting to 400,000 lbs. Spanish weight.

The salaries and various local outgoings on an estate would be 2,500 dollars ; making an expense for raising 100 Spanish lbs. of sugar, nearly about 1 $\frac{1}{4}$ dollars, or 7 s. 0 $\frac{1}{4}$ d. sterling, for the refraction of the estate and annual outlay. And if we allow ten per cent upon the 80,000 dollars, which is the capital vested in the plantation, the planter requires a return of two dollars per 100 Spanish lbs., independently of any allowance annually required for the purchase of Negroes.

The sugar is all clayed, and, in that operation, it is formed into loaves of about 35 lbs. or 40 lbs. each, which are afterwards crushed, the top part forming the fine white, the bottom part the brown sugar.

The quantities of each made depend upon the seasons. In the first week of the crop 1828–1829, on the estate adverted to, there were made, out of 374 loads of sugarcane, yielding 74 coppers of liquor, 703 loaves ; in the middle week of the crop, or from the 2d to the 8th March 1829, out of 226 loads of sugarcane, yielding 48 coppers of liquor, there were made 600 loaves ; and in the last week of the

120.

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the crop, from the 26th to the 29th of May, out of 146 loads of sugarcane, yielding 28 coppers of liquor, there were made 337 loaves. This was a very favourable season, the entire crop being upwards of 1,200 boxes.

The price of land varies greatly, being from 100 dollars to 3,000 for a caballina, according to situation and quality. The caballina is equal to 35 English acres, and in a plantation of moderate extent, there may be 10 to 15 caballinas.

A plantation producing 1,000 boxes of sugar will require 100 working hands; on the one of which details have been given, there were in April last 1830, 103 men, 49 women, and 12 children of both sexes; of the entire, there were upwards of 25 unable to work, from sickness and other causes; upon some estates the number of men may be two-thirds, of women one-third, but upon too many, men only are kept. A few proprietors are successful in rearing creoles; but others are not so, though pains are taken.

The export and tonnage duties constitute, in Cuba, a most oppressive charge to the planters; which with low prices, not only impedes, but threatens to destroy the prosperity of the island.

The export duty on a chest of sugar of 16 arrobas net, is, with one per cent for scale, 17½ reals. The tonnage duty is 20 reals per ton, equal to four reals per box of sugar; in all 21½ reals, or 11 s. sterling.

One thousand boxes, at this rate of 21½ reals, would pay 2,687 doll. four reals, or (at 4 s. 1 d. the dollar) 548 l. 14 s. sterling, independently of the 540 dollars of duties paid on the imported articles consumed on the plantation.

The duties paid at Porto Rico are very considerably under those paid in Cuba.

| | | | | |
|-------------------------|---|---|---|-----------|
| The export duty is only | - | - | - | 80 cents. |
| The tonnage duty | - | - | - | 20 - |

| | | | |
|--------|---|---|-----|
| In all | - | - | 100 |
|--------|---|---|-----|

Or one dollar per box, 16 arrobas.

The muscovado sugar of Porto Rico is about equal in quality to the brown of Cuba; and the difference of duty on this description of quality, is fully 10 per cent on its actual value.

| | £. | s. | d. |
|--|----|----|--------------|
| In Brazil the duties are still lower than in Porto Rico. From actual invoice, it appears that 110 chests pay only 17,600 reas, which at the exchange of 32 d. per 1,000 reas, is | - | 2 | 7 - sterling |
| The tonnage duty is 7,817 or | - | 1 | - 10 |
| | £. | 3 | 7 10 |

Equal to about 8 d. per chest.

This statement shows, that while the proprietor of the Havannah profits nothing in consequence of excessive duties, the proprietor of the Brazils profits to the extent of 10 s. 4 d. per box. The mills of Brazil are rivals to be feared.

To enable the Cuba cultivator to enter upon the formidable struggle equally with his competitors, it is necessary for the Consulado to evince a disposition to relieve difficulties; and if the public necessities do not admit of an equivalent for the remission of the export and tonnage duties, a loan of accommodation should be provided, which would both assist the planters, and introduce, by the way of public debt, a sounder guarantee for maintaining and controlling the general tranquillity. A negotiation for a loan of this description is now in progress.

32.—STATEMENT of Don *Antonio San Hemeterio*, who resided in Cuba for a considerable number of years; and of Mr. *John Hardy*, who is engaged in the Cuba Trade.

THE slave population of Cuba may be estimated at about 500,000; but it is impossible to ascertain the exact number, owing to the importations which are constantly taking place in the different parts of the island.

It

It is considered that three-fourths of the entire slave population are employed in the cultivation of sugar.

The proportion of effective slaves on sugar plantations is much greater in Cuba than in the British West India Colonies. In some plantations in Cuba, there are upwards of 80 effective slaves in 100. The general average for the island may be stated at about 60 effective in 100.

The value of newly imported slaves is about 200 to 250 dollars per head. The value of prime seasoned people, acquainted with sugar cultivation, is from 300 to 350 dollars.

The sugar planters in Cuba derive considerable assistance from free labourers, mostly of an Indian mixed breed, who work for moderate wages.

These labourers do not work in the field, but they are employed in other branches of labour; and in bringing the sugar from the interior parts of the country to the shipping ports.

All the slaves on sugar plantations, work six days in the week; they have provision grounds allotted to them to raise live stock or vegetables, either for their own subsistence or for sale, as is the case in the British Colonies.

In Cuba every plantation is a kind of store, in which every thing required by the Negroes is provided by the proprietor, who sustains no loss of labour by his people marketing for themselves.

In the cities and principal places of Cuba, many holidays are kept; but in the majority of cases, these holidays do not extend to the slaves employed in sugar cultivation in the interior of the country.

The capital sunk in buildings and machinery, is very small; in most cases it would not amount to more than one-sixth part of the value of the slaves.

The salaries given to the managers, doctors, and superintendents of the plantations are considerably under those given in the British Colonies.

The sugar is manufactured by means of cattle-mills; it is almost all clayed; a large proportion of the molasses is converted into syrup, and is locally consumed in the island: the remainder is shipped to the United States of America.

Very little of the sugar is shipped to Europe on account of the planters; it is considered much more advantageous to sell it in Havannah to the merchants, amongst whom the competition to purchase, and to procure freights for their vessels, is very great.

The selling price of white clayed sugar has latterly been about 13 rials per arroba, and of brown and yellow 6 to 7½ per arroba, equal to, at the current rate of exchange, 26 s. to 16 s. respectively per 100 lbs.

The Cuba planters consider that these low prices do not give a fair remuneration for the capital invested. Should they continue, the quantity of sugar raised will not be diminished, but a fall will take place in the import price of slaves.

33.—STATEMENT procured from Mr. *Moss*, of Liverpool, who resided for a considerable number of years in the Island of Cuba.

THE entire population of Cuba may be estimated at 820,000, of which 370,000 are white and free persons, and 450,000 slaves.

The greater portion of the slaves are employed in the cultivation of sugar, and their numbers are annually increasing, from constant importations from Africa.

It is chiefly men that are imported, and, indeed, on some estates, there are 250 men, and not one woman. This great efficiency of the able people gives, of course, many advantages to the Cuba planter, as out of any given population, he turns out in the field a number of active labourers, at least double the number so employed in the British Colonies, where society is approaching a natural state, and where there is a due proportion of women and children, who, in common with the productive labourers, have to be maintained and clothed by their master.

The annual outlay on a sugar plantation in Cuba varies according to circumstances, but on the whole, it may be stated at 30 per cent under the expenditure on a plantation in Demerara. Where 300 Negroes are employed, there would be usually only three white superintendents in Cuba; a head overseer, who would receive 200 *l.* per annum; a second overseer, who would receive 100 *l.* and a sugar boiler, whose salary would be 170 *l.*; all these persons find themselves. Medical attendance is by no means so good as in the British Colonies, and the very great facility of procuring fresh labourers, prevents the Cuba planters from introducing those ameliorating arrangements which, if expensive to the British planter, are still necessary to keep up the slave population, and thereby preserve the means for continuing cultivation.

34.—STATEMENT, extracted from the Despatches of Mr. *Macleay*, British Commissioner at the Havannah.

IN the year 1827, there cleared out from the Port of Havannah, twenty-seven vessels for the coast of Africa. Of these, thirteen have returned in safety; one has been captured, and another destroyed by His Majesty's schooner *Skipjack*, and a third destroyed on the Florida Keys, in her attempt to escape from His Majesty's schooner *Nimble*. The fate of the remaining eleven I am unacquainted with.

In the year 1828, no less than 28 slave vessels arrived, while the departures, during the same year, have increased to 63. It will be seen, from documents, that I have transmitted, that three vessels have each landed two cargoes in the course of the past year, and several have been enabled to take two departures for Africa. Of these last, however, as vessels often change their names, the exact number cannot be ascertained. The number of slaves landed last year, cannot certainly have been less than 7,000, in which number, those emancipated by the Mixed Commission, are not included.

From the above distressing view of the actual prevalence of the trade, it appears that the departures in 1828 have been nearly twice as many as in any year since the establishment of this commission, and for this increase, several reasons may be assigned, but of which I consider the three following to be the principal; first, the great number of sugar estates now forming in the island; secondly, the enormous profits attending the illicit slave trade when compared with the risk of loss or punishment; thirdly, the certainty now prevailing among the slave traders, that they are favoured and protected by the local government, if not by the government at home. On the first of these heads, it may be necessary for me to state, that the price of coffee has been so low in the European markets, for the last three years, that the coffee planters are nearly ruined. Sugar, on the other hand, has, during the last year, brought very high prices, and the capitalists of this island, therefore, have very generally been engaged in bringing new land into cultivation for sugar estates.

Of the enormous profits of the slave trade, which clearly depend on this increasing demand for Negroes, the most correct idea will be formed by taking an example. The last vessel condemned by the Mixed Commissions was the *Firm*. It appears from her papers, that the cargo she took out from this port to Africa, consisted principally of gold, silver, raw spirit or aquadente, handkerchiefs, printed cottons, and gunpowder, the whole value of which was stated in the invoice to be 28,000 dollars. Among her papers, it appears, that there was a contract signed at Havannah, between the master and crew, whereby the former engaged 16 able seamen at the exorbitant wages of 40 dollars per month, and 20 ordinary seamen at 35 dollars per month; such wages to be altogether forfeited in the event of capture or shipwreck. This vessel was ten months absent, and the master and principal officers were shareholders, and in part owners, and they have been reimbursed in slaves, or money, according to the success of the voyage. The expenses incurred for provisions, ammunition, spars, wear and tear during the voyage, may be calculated at 10,600 dollars.

The *Firm* was a favourite vessel, commanded by a master of proved talents and experience, and it was known that her slaves would be of the best quality, and that they were to come from the best part of the coast, Mandingo Negroes being particularly

particularly esteemed. I have indeed learned that they were selling in the market for some time before her arrival, at 300 dollars per Negro. Taking them at 300 dollars, the worth of the cargo of the Firm, consisting of 484 Negroes, was 145,200 dollars, from which sum, if we deduct the expenses, we have a clear profit of 93,200 dollars. Such are the vast profits of a successful voyage, even when calculated at the lowest, while the risk is so small, that half the vessels which sailed during that year, have succeeded in disembarking their slaves.

Since the establishment of His Majesty's commissions here, no seizure of a slave vessel has ever taken place but on their interference and denunciation; and even then such seizure has only been made to be instantly followed by a perfect acquittal in the Spanish tribunals. Without doubt, the most effectual mode of suppressing this profitable traffic, would be to declare it piracy; but if this cannot be effected, it is at least to be hoped that the actual state of the Spanish law, on the subject of seizure of slaves, will be altered. If the Spanish Government be sincere in their wishes to abolish the slave trade, they ought not to allow vessels to sail from the Havannah publicly for the coast of Africa, from which the custom-house reports as well as the construction of the vessels, show that they bring nothing back but slaves. Africa has, indeed, no other produce for the Havannah trade.

35.—STATEMENT of Dr. *M'Dowal*, relative to the Distillation of Rum.

IT is difficult to make an exact statement of the cost of rum to the sugar planter. Rum is a component part of his crop, manufactured, at a certain cost, from molasses, skimmings, and refuse of the sugar: now the difficulty lies in assigning a value to the materials from which rum is made. The skimmings, if not made into rum, can hardly be said to have a marketable value for foreign demand; they may be, and sometimes are, used for feeding of mules and cattle. With respect to molasses, the case is somewhat different, as that article is usually sold, both in the home and colonial markets, and may, therefore, be stated at its selling price. It has been frequently asserted that the refuse crop of the planter does not cost him any thing. It might be quite as just to say the very same thing of sugar; the whole crop of sugar and rum is made at a certain charge to the planter, but the exact portion of that charge, which ought to be brought against each separate article of production, it is hardly possible to ascertain with precision.

In estimating the value and probable returns of a sugar estate, the rum crop is always taken into account as a part of the produce, just as a sheep-farmer in this country, in calculating his returns, takes into his account the value of wool. Whoever can point out a method of ascertaining the exact cost of wool to the farmer, may by the same process arrive at the relative cost of rum to the planters. The best way of proceeding, I should conceive, is to merge all the charges particularly affecting rum, in a general charge of the estate, and to consider the rum as a certain proportionate part of the crop, subject to a like proportionate part of the whole outlay and expenditure.

For instance, we may suppose, what experience proves to be pretty nearly the truth, that one-fourth of the entire produce of a plantation may, in point of value, consist of rum, and accordingly we take one-fourth of the expenditure as the first cost of rum; and the remaining three-fourths as the cost of sugar; this rule will give a result perfectly true, taking both articles together, and as nearly true, for all practical purposes, taking them separately; the two commodities, however, can only, in point of fact, be regarded as parts of a whole, and so connected the one with the other, that to separate them completely, and exhibit an accurate account of each, is impossible.

When no rum is made, as may be the case on some few estates, the molasses, instead of rum, may be taken as the proportionate part of the crop, and its cost stated in the same way; and when a part of the molasses only is distilled, the rum and molasses together may be taken at such proportionate parts; and in this latter case two gallon of molasses may be taken as equal in value to one gallon of proof rum.

I do not say that what the planters in general call the *offal* crop is exactly equal to one-fourth of the whole, for that proportion must vary according to circumstances; but for all purposes of general calculation this proportion may be taken as the rule for determining the value between rum and sugar.

It has, I understand, been asserted of late that the cost of the production of rum is little or nothing in comparison of that of home-made spirits; an assertion more erroneous than this was never put forward, as the following statement, founded on experience, will make evident to all disinterested inquirers.

Rum, as has been already stated, is made from two substances; 1st. The molasses, or that part of the cane juice which will not crystallise into sugar; and, 2dly, the scum which is taken off during the saccharific process, and which is equivalent in sweetness to about one fifth of molasses, and which might be reduced into that substance.

Say, then, that a distillery on an estate producing 250 hogsheads of sugar has 15,000 gallons of molasses, and scum equal to 5,000 gallons molasses, making a total equal to 20,000 gallons of molasses. These 20,000 gallons, when manufactured into rum, will make about 15,000 gallons of proof rum, and no more; these 15,000 gallons, when brought to market in England, lose during the voyage at least 10 per cent, and are consequently reduced to 13,500 gallons, which is the quantity landed in Great Britain.

The following is a statement of the expenses of production :

| | £. |
|--|----------|
| Total outlay for contingent expenditure on a plantation - - | 3,600 |
| Sugar, three-fourths (cost of production, 15 s. 10 d. per cwt.) - - - - - | £. 2,700 |
| Molasses, assuming that the cost is one-third of the cost of the sugar, or one-fourth of the entire outlay on the plantation - - - - - | 900 |
| In this expenditure of 900 l. are included the following items : | |
| Salary of head distiller, or overseer - - - - - | 100 |
| Hire, clothing and board of 2 coopers and 4 distillers, at 20 l. - - - - - | £. 120 |
| Horses, carts, 30 l. - - - - - | 30 |
| | 150 |
| Coals, 50 hhds. - - - - - | 100 |

There is besides :

Puncheons, at 30 s. equal to 4 d. per gallon.

Freight at 5 d. per gallon.

Commission, insurance, dock dues, and other charges, 4 d. per gallon.

The cost thus of 13,500 gallons of rum is 900 l. equal to 1 s. 4 d. per gallon. The strong rum of Jamaica, and of the other Colonies, will be about 6 d. above this rate, or 1 s. 10 d. per gallon, independently of all charges for puncheons, freight, commission and other unavoidable expenses.

The market price for Leeward Island rum, for the last twelve months, has not exceeded 1 s. 10 d. per gallon. The planter has virtually expended, inclusive of the charges adverted to, 2 s. 4 d. to 2 s. 6 d. per gallon, without taking into account any return on capital invested; and it may naturally be asked, how is such an unprofitable manufacture continued? But the answer is too easy; stern necessity must be obeyed. The distiller of rum is at the same time the agriculturist, or the producer of the raw material; he has already sunk his capital in the distillery; he is already provided with all its apparatus and workmen, and he is therefore forced to proceed, and produce the article at whatever price it may fetch.

I.—DIGEST.

AN ABSTRACT of various Returns, exhibiting on an average of years the Cost of producing a Cwt. of Sugar, in the British West Indies.

(The particular details of these Returns were given in to the Board of Trade the 21st of July last.)

| Number of Return. | Number of Slaves. | Average Crop of Sugar. | Average Crop of Rum. | Colonial Expenses, or Contingencies : including Lumber and American Supplies. | British and Irish Supplies. | Total. | Cost of Producing 1 cwt. of Sugar, Rum not deducted. | Cost of Producing 1 cwt. of Sugar, Rum deducted. |
|-------------------|-------------------|------------------------|----------------------|---|-----------------------------|--------|--|--|
| | | <i>cwt.</i> | <i>pounds.</i> | £. | £. | £. | £. s. d. | £. s. d. |
| 1 | 166 | 2,062 | 64 | 1,294 | 674 | 1,968 | - 19 1 | - 13 6 |
| 2 | 336 | 2,737 | 76 | 1,741 | 1,112 | 2,853 | 1 - 1 | - 15 1 |
| 3 | 342 | 2,991 | 80 | 1,983 | 845 | 2,828 | - 18 11 | - 15 2 |
| 4 | 179 | 1,685 | 62 | 1,024 | 558 | 1,582 | - 18 9 | - 12 7 |
| 5 | 362 | 4,934 | 119 | 2,630 | 2,211 | 4,841 | - 19 7 | - 14 10 |
| 6 | 330 | 3,910 | 103 | 1,750 | 1,818 | 3,568 | - 18 3 | - 13 - |
| 7 | 296 | 2,560 | 54 | 2,031 | 1,180 | 3,211 | 1 5 1 | 1 - 10 |
| 8 | 323 | 3,200 | 70 | 1,762 | 1,589 | 3,351 | 1 - 11 | - 16 7 |
| 9 | 336 | 3,503 | 93 | 1,863 | 1,807 | 3,670 | 1 - 11 | - 15 8 |
| 10 | 219 | 1,920 | 60 | 1,108 | 1,174 | 2,282 | 1 3 9 | - 17 6 |
| 11 | 154 | 2,325 | 68 | 1,558 | 825 | 2,383 | 1 - 6 | - 14 3 |
| 12 | 260 | 2,490 | 75 | 1,482 | 1,105 | 2,587 | 1 - 9 | - 14 9 |
| 13 | 401 | 3,248 | 75 | 1,954 | 1,513 | 3,467 | 1 1 4 | - 16 9 |
| 14 | 295 | 3,045 | 94 | 2,013 | 1,262 | 3,275 | 1 1 6 | - 15 4 |
| 15 | 175 | 1,712 | 53 | 1,061 | 703 | 1,764 | 1 - 7 | - 14 5 |
| 16 | 167 | 2,030 | 64 | 1,332 | 737 | 2,069 | 1 - 5 | - 14 1 |
| 17 | 158 | 2,108 | 62 | 1,996 | 786 | 2,782 | 1 6 5 | 1 - 6 |
| 18 | 284 | 2,392 | 79 | 1,536 | 1,012 | 2,548 | 1 1 4 | - 14 8 |
| 19 | 227 | 2,475 | 62 | 1,517 | 730 | 2,247 | - 19 2 | - 14 5 |
| 20 | 254 | 2,180 | 49 | 1,172 | 767 | 1,939 | - 17 1 | - 13 2 |
| 21 | 272 | 1,732 | 42 | 1,385 | 827 | 2,212 | 1 5 7 | 1 1 8 |
| 22 | 180 | 2,307 | 25 | 1,007 | 772 | 1,779 | - 15 5 | - 14 4 |
| 23 | 270 | 2,475 | 40 | 1,224 | 1,128 | 2,352 | - 19 - | - 15 8 |
| 24 | 220 | 2,241 | 64 | 1,025 | 1,286 | 2,311 | 1 - 7 | - 16 4 |
| 25 | 250 | 1,942 | 57 | 940 | 711 | 1,651 | - 17 - | - 11 2 |
| 26 | 147 | 1,544 | 37 | 1,355 | 599 | 1,954 | 1 5 4 | 1 - 6 |
| 27 | 180 | 2,470 | 89 | 1,087 | 1,222 | 2,309 | - 18 1 | - 14 - |
| 28 | 150 | 2,152 | 60 | 1,098 | 1,029 | 2,127 | - 19 9 | - 14 2 |
| 29 | 294 | 2,809 | 82 | 2,044 | 1,469 | 3,513 | 1 5 - | - 19 2 |
| 30 | 124 | 1,232 | 52 | 1,099 | 446 | 1,545 | 1 5 1 | - 18 9 |
| 31 | 145 | 1,782 | 85 | 1,814 | 679 | 2,493 | 1 8 - | - 19 10 |
| 32 | 304 | 2,212 | 61 | 1,561 | 861 | 2,422 | 1 1 11 | - 16 5 |
| 33 | 253 | 1,845 | 63 | 1,048 | 936 | 1,984 | 1 1 6 | - 14 8 |
| 34 | 169 | 1,596 | 50 | 916 | 540 | 1,456 | - 18 3 | - 12 - |
| | 8,225 | 81,847 | 2,269 | 56,410 | 34,913 | 85,323 | 35 14 11 | 26 17 2 |
| Average | 242 | 2,407 | 67 | 1,483 | 1,027 | 2,510 | 21s. | 15s. 10d. |

II.—DIGEST.

DETAILS of Expenditure on Plantation No. 9, forming a fair Average for all the Colonies.

| | 1825. | 1826. | 1827. |
|---|--------------|-------------|-------------|
| BRITISH SUPPLIES : | | | |
| Lime and bricks - - - - - | £. 23 | £. 14 | £. 161 |
| Slates - - - - - | - | - | 90 |
| Porter and cheese - - - - - | 8 | 8 | 8 |
| Soap, candles and tallow - - - - - | 13 | 18 | 14 |
| Pease and barley - - - - - | 40 | 52 | 41 |
| Wine - - - - - | 11 | 11 | 11 |
| Hats - - - - - | 29 | 31 | 28 |
| Osnaburghs - - - - - | 104 | 104 | 94 |
| Printed cottons, linen - - - - - | 44 | 62 | 47 |
| Thread and cordage - - - - - | 9 | 12 | 16 |
| Medicines - - - - - | 21 | 22 | 20 |
| Ironmongery - - - - - | 175 | 212 | 146 |
| Copper guttering - - - - - | - | 58 | - |
| Train oil, linseed oil - - - - - | 31 | 33 | 32 |
| A copper teach - - - - - | 80 | - | - |
| Woollen clothing and Negro jackets - - - - - | 104 | 113 | 108 |
| Baby linen - - - - - | 3 | 6 | 6 |
| Stationery - - - - - | 2 | 2 | 2 |
| Oatmeal - - - - - | 43 | 49 | 58 |
| Lead - - - - - | 44 | - | 28 |
| Wood hoops - - - - - | 35 | 43 | 43 |
| Dried salt fish - - - - - | 38 | 47 | 41 |
| Herrings - - - - - | 276 | 319 | 314 |
| Irish provisions and salt - - - - - | 84 | 106 | 92 |
| Flour and biscuit - - - - - | - | - | 66 |
| Coals - - - - - | 283 | 282 | 260 |
| Casks for packing - - - - - | 37 | 44 | 41 |
| Freight - - - - - | 99 | 106 | 98 |
| Commission and charges - - - - - | 33 | 33 | 27 |
| Insurance - - - - - | 23 | 25 | 21 |
| Expense and passage out of a ploughman - - - - - | 32 | - | 31 |
| £. | 1,724 | 1,812 | 1,938 |
| JAMAICA EXPENSES : | | | |
| | Currency. | | |
| Salaries of white people - - - - - | 533 | 562 | 569 |
| Young stock bought - - - - - | 546 | 636 | 481 |
| Taxes - - - - - | 275 | 291 | 319 |
| Medical attendance - - - - - | 143 | 140 | 135 |
| Wharfage - - - - - | 146 | 167 | 165 |
| Fresh beef and fish - - - - - | 247 | 202 | 179 |
| Hire of carpenters - - - - - | - | 180 | 10 |
| Duty on lumber - - - - - | 18 | 87 | 43 |
| Sundry petty expenses, chiefly presents to the females for raising their children - - - - - | 42 | 45 | 34 |
| Hard wood - - - - - | - | - | 120 |
| Attorney's commission - - - - - | 300 | 300 | 300 |
| Less, old cattle sold - - - - - | 2,250 150 | 2,610 98 | 2,355 63 |
| £. | 2,100 | 2,512 | 2,292 |
| Drawn for, in Sterling : | | | |
| 1825, premium about 7 $\frac{1}{2}$ per cent - - - - - | 1,410 | - | - |
| 1826, ditto - - 15 to 20 ditto - - - - - | - | 1,413 | - |
| 1827, ditto - - 17 $\frac{1}{2}$ to 22 $\frac{1}{2}$ - - - - - | - | - | 1,323 |
| American lumber, paid in London - - - - - | 110 | 275 | 288 |
| Total Island Expenses in Sterling Money - £. | 1,520 | 1,688 | 1,611 |

The island expenses for an average of 10 years, are stated in Digest I. at 1,863 *l.* the difference arises from the difference in the period selected, and from the varying premium on bills.

| | | | | | | | | |
|--|---|---|---|---|---|---|---|----------|
| British supplies, annual average | - | - | - | - | - | - | - | £. |
| Inland expenses - ditto | - | - | - | - | - | - | - | 1,807 |
| | | | | | | | | 1,863 |
| Total Annual Outlay - | | | | | | | | £. 3,670 |
| This estate produces 3,503 cwt. sugar. | | | | | | | | £. |
| 9,765 gallons rum. | | | | | | | | |
| The cost of the Sugar is 15 <i>s.</i> 8 <i>d.</i> per cwt. | - | - | - | - | - | - | - | 2,740 |
| of the Rum - 1 <i>s.</i> 10 <i>d.</i> per gallon | - | - | - | - | - | - | - | 930 |
| | | | | | | | | £. 3,670 |

III.—DIGEST.

Import and Sale Charges on Sugar.

| | | | | | | | | | |
|--|---|---|---|---|---|---|---|-----------|-----------|
| Freight on 1 cwt. sugar | - | - | - | - | - | - | - | <i>s.</i> | <i>d.</i> |
| Dock Rates | - | - | - | - | - | - | - | - | 8 |
| Commission and brokerage | - | - | - | - | - | - | - | 1 | 7 |
| Insurance | - | - | - | - | - | - | - | - | 8 |
| Rent | - | - | - | - | - | - | - | - | 2 |
| Interest on advance of charges, including duty | - | - | - | - | - | - | - | - | 4 |
| Primage, pierage, trade, customs, fees | - | - | - | - | - | - | - | - | 1 |
| | | | | | | | | 8 | 6 |

IV.—DIGEST.

Prices of Sugar.—General Average of the Price of Sugar.

| | | | | | | | |
|------------|---|---|-----------------|----|------------------|-----------|-----------|
| Year 1826 | - | - | Gazette Average | - | - | <i>s.</i> | <i>d.</i> |
| 1827 | - | - | — | - | - | 32 | |
| 1828 | - | - | — | - | - | 35 | 4 |
| 1829 | - | - | — | - | - | 32 | 10 |
| | | | | | | 28 | 9 |
| 1830: | | | | | | | |
| January 5 | - | - | - | 22 | 8 | | |
| - 12 | - | - | - | 23 | 6 | | |
| - 19 | - | - | - | 24 | 7 $\frac{1}{2}$ | | |
| - 26 | - | - | - | 24 | 9 $\frac{3}{4}$ | | |
| February 3 | - | - | - | 25 | 7 | | |
| - 10 | - | - | - | 24 | 11 | | |
| - 17 | - | - | - | 25 | - | | |
| - 24 | - | - | - | 25 | - | | |
| March 2 | - | - | - | 24 | 10 | | |
| - 9 | - | - | - | 24 | 2 | | |
| - 16 | - | - | - | 23 | 1 $\frac{3}{4}$ | | |
| - 23 | - | - | - | 24 | 4 $\frac{1}{2}$ | | |
| - 30 | - | - | - | 24 | 6 $\frac{1}{2}$ | | |
| April 6 | - | - | - | 24 | 3 | | |
| - 13 | - | - | - | 24 | 6 $\frac{3}{4}$ | | |
| - 20 | - | - | - | 23 | - | | |
| - 27 | - | - | - | 24 | 3 $\frac{3}{4}$ | | |
| May 4 | - | - | - | 25 | 1 | | |
| 1830: | | | | | | | |
| May 11 | - | - | - | 24 | 10 | | |
| - 18 | - | - | - | 24 | 9 $\frac{1}{2}$ | | |
| - 25 | - | - | - | 24 | 7 $\frac{1}{2}$ | | |
| June 1 | - | - | - | 23 | 5 $\frac{1}{2}$ | | |
| - 8 | - | - | - | 25 | 11 | | |
| - 15 | - | - | - | 24 | 6 $\frac{3}{4}$ | | |
| - 22 | - | - | - | 26 | - | | |
| - 29 | - | - | - | 25 | 10 $\frac{3}{4}$ | | |
| July 6 | - | - | - | 23 | 10 | | |
| - 13 | - | - | - | 26 | 9 $\frac{3}{4}$ | | |
| - 23 | - | - | - | 25 | 7 $\frac{1}{2}$ | | |
| - 27 | - | - | - | 24 | 7 | | |
| August 3 | - | - | - | 25 | 2 $\frac{3}{4}$ | | |
| - 10 | - | - | - | 25 | 10 $\frac{1}{2}$ | | |
| - 17 | - | - | - | 26 | 1 $\frac{1}{2}$ | | |
| - 24 | - | - | - | 26 | 2 $\frac{1}{2}$ | | |
| - 31 | - | - | - | 26 | 3 $\frac{1}{2}$ | | |

Average 24 *s.* 10 *d.*

The cost of sugar, inclusive of sale charges, is 24 *s.* 4 *d.* consequently the greater proportion of the importations for the last year has not given any return for capital invested.

V.—DIGEST.

Importations of Sugar into the Continent of Europe.

| HAMBURG. | | | | | ANTWERP. | | | | |
|------------------------|---|---|---|-------------------|-------------------|---|-------------------|---|-------|
| CUBA AND BRAZIL SUGAR. | | | | | HAVANNAH. BRAZIL. | | | | |
| Years. | | | | Boxes and Chests. | Years. | | Chests and Boxes. | | |
| 1822 | - | - | - | 63,886 | 1820 | - | 19,699 | | |
| 1823 | - | - | - | 84,378 | 1821 | - | 29,594 | | |
| 1824 | - | - | - | 68,798 | 1822 | - | 28,491 | | |
| 1825 | - | - | - | 66,817 | 1823 | - | 52,276 | | |
| 1826 | - | - | - | 51,210 | 1824 | - | 40,005 | | |
| 1827 | - | - | - | 81,402 | 1825 | - | 36,531 | - | 2,350 |
| 1828 | - | - | - | 93,682 | 1826 | - | 47,083 | - | 2,053 |
| 1829 | - | - | - | 75,441 | 1827 | - | 56,380 | - | 3,100 |
| | | | | | 1828 | - | 42,277 | - | 4,263 |
| | | | | | 1829 | - | 69,633 | - | 6,631 |

TRIESTE.

| Years. | | | | Total Quantity. | Vienna lbs. | | Of which Foreign refined. | Vienna lbs. |
|--------|---|---|---|-----------------|-------------|---|---------------------------|-------------|
| 1822 | - | - | - | 20,594,000 | - | - | 7,572,000 | - |
| 1823 | - | - | - | 20,475,000 | - | - | 5,210,000 | - |
| 1824 | - | - | - | 24,559,000 | - | - | 5,330,000 | - |
| 1825 | - | - | - | 20,709,000 | - | - | 4,585,000 | - |
| 1826 | - | - | - | 26,394,000 | - | - | 4,202,000 | - |
| 1827 | - | - | - | 30,530,000 | - | - | 4,745,000 | - |
| 1828 | - | - | - | 32,004,700 | - | - | 3,652,400 | - |
| 1829 | - | - | - | 30,968,400 | - | - | 4,280,400 | - |

PRUSSIA.

| Years. | | | | Raw Sugar. | Cwts. | |
|--------|---|---|---|------------|-------|---|
| 1822 | - | - | - | 120,502 | - | Almost entirely Havannah and Brazil sugars. |
| 1823 | - | - | - | 188,823 | - | |
| 1824 | - | - | - | 207,801 | - | |
| 1825 | - | - | - | 265,035 | - | |
| 1826 | - | - | - | 302,359 | - | |
| 1827 | - | - | - | 413,216 | - | |
| 1828 | - | - | - | 404,203 | - | |
| 1829 | - | - | - | 415,134 | - | |

RUSSIA.

| HAVANNAH. | | | | | BRAZIL. | | | | |
|---------------------|---|---|---|---------|---------|---|---|---------|--------|
| (36 lbs. per pood.) | | | | | | | | | |
| Years. | | | | | | | | | |
| 1824 | - | - | - | 616,542 | poods | - | - | 331,584 | poods. |
| 1825 | - | - | - | 729,156 | - | - | - | 217,039 | - |
| 1826 | - | - | - | 539,782 | - | - | - | 131,790 | - |
| 1827 | - | - | - | 553,297 | - | - | - | 208,450 | - |
| 1828 | - | - | - | 823,242 | - | - | - | 204,704 | - |
| 1829 | - | - | - | 935,395 | - | - | - | 415,287 | - |

FRANCE.

| Years. | | | | | | | | | |
|--------|---|---|---|---|---|------------|--------------|--|--|
| 1815 | - | - | - | - | - | 16,909,120 | Kilogrammes. | | |
| 1816 | - | - | - | - | - | 24,590,075 | - | | |
| 1817 | - | - | - | - | - | 36,536,861 | - | | |
| 1818 | - | - | - | - | - | 36,019,119 | - | | |
| 1819 | - | - | - | - | - | 39,761,343 | - | | |
| 1820 | - | - | - | - | - | 48,696,751 | - | | |
| 1821 | - | - | - | - | - | 46,439,827 | - | | |
| 1822 | - | - | - | - | - | 55,481,004 | - | | |
| 1823 | - | - | - | - | - | 41,542,856 | - | | |
| 1824 | - | - | - | - | - | 62,031,122 | - | | |
| 1825 | - | - | - | - | - | 56,080,506 | - | | |
| 1826 | - | - | - | - | - | 71,463,916 | - | | |

Export of British Refined Sugar from Great Britain.

| Years. | | | | | | | | |
|--------|---|---|---|---|---|---|---------|-------|
| 1819 | - | - | - | - | - | - | 498,704 | Cwts. |
| 1820 | - | - | - | - | - | - | 646,245 | - |
| 1821 | - | - | - | - | - | - | 601,606 | - |
| 1822 | - | - | - | - | - | - | 330,121 | - |
| 1823 | - | - | - | - | - | - | 398,584 | - |
| 1824 | - | - | - | - | - | - | 376,502 | - |
| 1825 | - | - | - | - | - | - | 323,401 | - |
| 1826 | - | - | - | - | - | - | 344,806 | - |
| 1827 | - | - | - | - | - | - | 409,060 | - |
| 1828 | - | - | - | - | - | - | 456,844 | - |
| 1829 | - | - | - | - | - | - | 475,545 | - |

Parl. Paper, 319, Session 1829.

Parl. Paper, 313, Session 1830.

In the Parliamentary Papers, 20 cwt. of refined sugar are calculated as equal to 34 cwt. of raw sugar.

Export of Raw Sugar, British Plantation.

| Years. | | | | | | | | |
|--------|---|---|---|---|---|---|---------|-------|
| 1819 | - | - | - | - | - | - | 58,913 | Cwts. |
| 1820 | - | - | - | - | - | - | 77,057 | - |
| 1821 | - | - | - | - | - | - | 9,851 | - |
| 1822 | - | - | - | - | - | - | 10,657 | - |
| 1823 | - | - | - | - | - | - | 11,231 | - |
| 1824 | - | - | - | - | - | - | 8,836 | - |
| 1825 | - | - | - | - | - | - | 11,528 | - |
| 1826 | - | - | - | - | - | - | 102,297 | - |
| 1827 | - | - | - | - | - | - | 40,931 | - |
| 1828 | - | - | - | - | - | - | 50,586 | - |
| 1829 | - | - | - | - | - | - | 16,193 | - |

Table, showing the Increase or Decrease in the consumption of Sugar, according as the price is high or low.

| YEAR. | Home Consumption. | Average of Prices from June to Sept. when the bulk of the year's importation is sold. | |
|--------|-------------------|---|----|
| | | s. | d. |
| 1815 | 2,211,299 | 94 | 9 |
| 1816 | 2,529,931 | 79 | - |
| { 1817 | 3,298,941 | 77 | 3 |
| { 1818 | 1,726,896 | 81 | 9 |
| 1819 | 2,820,900 | 70 | 6 |
| 1820 | 2,901,864 | 66 | 6 |
| 1821 | 3,056,882 | 64 | - |
| 1822 | 2,989,057 | 62 | - |
| 1823 | 3,228,991 | 59 | 6 |
| 1824 | 3,367,424 | 58 | 9 |
| 1825 | 3,079,848 | 66 | 3 |
| 1826 | 3,573,990 | 59 | - |
| 1827 | 3,340,927 | 63 | 9 |
| 1828 | 3,601,419 | 60 | 6 |
| 1829 | 3,539,821 | 56 | 9 |

It being known, that on the 5th January 1818, the duty would become 30 s. having been previously only 27 s. nearly the whole stock in hand was entered, and the duty paid, which increases the return for 1817, and diminishes that of 1818; the average of the two years is nearly the same as that of 1816.

VI.—DIGEST.

Fish imported from Newfoundland.

THE quantity of cod fish consumed in Jamaica, according to the official returns presented to the House of Assembly of that colony, is as follows, viz.—

| | | | | | |
|------|---|---|---|--------|-----------|
| 1827 | - | - | - | 66,766 | quintals. |
| 1828 | - | - | - | 38,171 | - |
| 1829 | - | - | - | 91,268 | - |

| | |
|--------------------------------------|-------------|
| 196,205 one-third of which being the | } Quintals. |
| average for one year, is | |
| | 65,402 |

The quantity of cod fish consumed in Demerara, according to minute returns transmitted by the naval office of that colony, in 1823, since which period the average consumption has not varied, is as follows, viz.:—

| | | | | | |
|------|---|---|---|--------|-----------|
| 1822 | - | - | - | 66,341 | quintals. |
| 1823 | - | - | - | 66,886 | - |

| | |
|--------------------------------|--------|
| 133,227 the average for 1 year | 66,613 |
|--------------------------------|--------|

The quantity consumed in Trinidad, according to returns compiled by the inspector of invoices in that colony, is,

| | | | | | |
|---------|---|---|---|--------|-----------|
| In 1828 | - | - | - | 47,546 | quintals. |
| 1829 | - | - | - | 45,808 | - |

| | |
|---------------------------------------|--------|
| 93,354 the average for one year being | 46,677 |
|---------------------------------------|--------|

The quantity of cod fish consumed in Barbadoes in 1828, according to returns received from Mr. Irving, inspector general, is - - - 40,316

The quantity consumed in the following colonies, according to returns presented to the Finance Committee in 1826, is as follows, viz.:—

| | | | | | | | | |
|---------|---|---|---|---|---|---|---|--------|
| Grenada | - | - | - | - | - | - | - | 19,382 |
| Berbice | - | - | - | - | - | - | - | 8,509 |

| | | |
|--|----------|---------|
| The quantity consumed in the other colonies, according to the best information which can be procured, amounts to - - - | quintals | 246,899 |
| | | 101,550 |

| | |
|----------|---------|
| quintals | 348,449 |
|----------|---------|

The value of this fish, inclusive of charges and profit on cost, at 18 s. sterling the quintal is 313,604 l.

p. 20. According to the evidence of Mr. Seymour, the cost of this fish is 18 to 20 per cent cheaper in Boston than in Halifax.

p. 15. According to the evidence of Mr. C. Roberts, the average price of fish at New York is 10 per cent cheaper than at Halifax; and quotations at New York are generally 12½ cents higher than at Boston, being equal to 7 per cent. The entire difference therefore between the prices of Boston and Halifax would be 17 per cent.

| | | |
|--|----|--------|
| According to this <i>lowest</i> calculation, the enhancement in the first cost of the fish is 17 per cent on 313,604 l. -- - - - | £. | 53,312 |
|--|----|--------|

p. 20. According to the evidence of Mr. Seymour, the freight of fish is 2½ dollars per cask of eight quintals cheaper in an American, than in a British vessel.

| | |
|--|--------|
| The difference on the entire quantity of 348,449 quintals is - - | 22,232 |
|--|--------|

| | | |
|--|----|--------|
| Total enhancement of price paid by the West Indian Colonists to support the British North American fisheries - - - | £. | 75,544 |
|--|----|--------|

VII.—DIGEST.

Fish imported from Great Britain.

THE quantity of herrings consumed in Jamaica, according to official returns presented to the House of Assembly of that colony, is as follows, viz. :—

| | | | | | |
|--|------|---|---|---|-----------------|
| In the year | 1826 | - | - | - | 82,541 barrels. |
| — | 1827 | - | - | - | 85,921 - |
| — | 1828 | - | - | - | 93,344 - |
| — | 1829 | - | - | - | 73,141 - |
| | | | | | 334,947 - |
| Average for one year | | | | | - - |
| In the other British West India colonies the consumption of herrings is comparatively small, and for the whole of them, conjointly, according to the best information which can be procured, it may be stated at | | | | | - |
| | | | | | 44,000 |
| | | | | | barrels 127,737 |
| Pickled salmon, mackarel, and other fish, in tierces and kits, imported into all the colonies, may be estimated in barrels as equal to | | | | | - - |
| | | | | | 9,600 |
| | | | | | barrels 137,337 |

According to the evidence of Mr. Bryce, the price of Danish herrings in St. Thomas' is 21 s. per barrel. p. 16.

According to the same evidence, and also that of Mr. Woodburn, the price of herrings in the British colonies is 31 s. per barrel. p. 16, 24.

Making a difference of - - - - - 68668 l. 10 s.
which is the enhancement of cost paid by the West Indian Colonists to support the British fisheries at home.

VIII.—DIGEST.

American supplies.—Quantities imported.

TOTAL importations of the chief articles of American produce, into the British West India Colonies in the year 1828 :

| | | | | | |
|--------------------------------|---|---|---------|------------|------------------|
| Red oak staves | - | - | - | 11,283,582 | } 15,345,752 |
| White oak ditto | - | - | - | 4,062,170 | |
| Pitch pine lumber | - | - | feet | 3,355,603 | } 23,489,223 |
| White pine ditto | - | - | - | 20,133,620 | |
| Shingles | - | - | - | - | 19,064,967 |
| Hoops | - | - | - | - | 461,233 |
| Flour | - | - | barrels | 185,661 | |
| Bread and biscuit, 9,429 cwts. | } | | - | 4,714 | |
| equal to - - - barrels | | | - | - | |
| Corn and Grain, qt. of bushels | } | | - | 40,999 | |
| 163,995, equal to - - - | | | - | - | |
| Rice | - | - | - | - | 231,374 barrels. |
| | - | - | - | - | 2,199,461 lbs. |

Of which there were,

The produce of the United States imported through St. Thomas, or some other foreign West India islands :

| | | | | | |
|--------------------------------|---|---|---------|-----------|--------------------|
| Red oak staves | - | - | - | 6,179,117 | } 8,403,654 |
| White oak ditto | - | - | - | 2,224,537 | |
| Pitch pine lumber | - | - | - | 3,355,603 | } 4,750,160 |
| White pine ditto | - | - | - | 1,394,557 | |
| Shingles | - | - | - | - | 7,506,866 |
| Hoops | - | - | - | - | 132,885 |
| Flour | - | - | barrels | 148,895 | |
| Bread and biscuits 6,868 cwts. | } | | - | 3,434 | } 181,954 barrels. |
| Corn and grain 118,499 bush. | | | - | 29,625 | |
| Rice | - | - | - | - | 2,021,282 lbs. |

(Parliamentary Paper, 481.—Session 1830.)

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The produce of the United States, imported through Canada, or the British North American Provinces :

| | | | | | | |
|--------------------------------|---|---|---|-----------|--------|-----------------|
| Red oak staves | - | - | - | 1,418,700 | } | 1,929,380 |
| White oak ditto | - | - | - | 510,680 | | |
| White pine lumber | - | - | - | - | - | 256,285 |
| Shingles | - | - | - | - | - | 661,100 |
| Flour | - | - | - | - | 28,131 | |
| Bread, 609 cwts. | - | - | - | - | 304 | |
| Corn and grain, 20,851 bushels | - | - | - | 5,213 | | 33,648 barrels. |
| Rice | - | - | - | - | - | 178,179 lbs. |

(Parliamentary Paper, 481.—Session 1830.)

The produce of Canada, and the British North American Colonies, imported direct into the British West India Colonies :

| | | | | | | |
|--------------------------------|---|---|---|-----------|-------|------------|
| Red oak staves | - | - | - | 3,685,785 | } | 5,012,718 |
| White oak ditto | - | - | - | 1,326,933 | | |
| White pine lumber | - | - | - | - | - | 18,482,778 |
| Shingles | - | - | - | - | - | 10,897,011 |
| Hoops | - | - | - | - | - | 328,347 |
| Flour | - | - | - | - | 8,635 | |
| Bread and biscuit, 1,951 cwts. | - | - | - | - | 975 | } 15,771 |
| Corn and grain, 24,644 bushels | - | - | - | - | 6,161 | |

(Returns furnished by W. Irving, Inspector General.)

To simplify the calculations, 2 cwts. of bread and biscuit and four bushels of grain have been taken as equal to one barrel of flour.

In the official returns no distinction is made between red and white oak staves. In the foregoing estimates, the proportions have been adjusted according to the relative extent of production of sugar and rum, red oak staves being used for the former, and white oak for the latter. It is assumed that the proportions continue the same whether the staves are imported through St. Thomas or through the Canadas.

Some staves are made in the West India Colonies, perhaps sufficient for 10,000 hogsheds of sugar, which allowing 1,000 for 25 hhds., would be equal to 400,000.

It has been assumed that all the pitch pine lumber is imported from the United States by way of St. Thomas, though a small portion may come through the Canadas.

Rates of duty payable under 3d Geo. 4, c. 44, and 6th Geo. 4, c. 114.

| | | | | | | |
|---------------------------------------|---|---|---|---|---|-------------------------------|
| Red oak staves | - | - | - | - | - | 15 s. per 1,000 |
| White oak ditto | - | - | - | - | - | 12 s. 6 d. per 1,000 |
| Lumber, pitch and white pine | - | - | - | - | - | 21 s. per 1,000 superf. feet. |
| Shingles not more than 12 inches long | - | - | - | - | - | 7 s. per 1,000 |
| more than 12 inch | - | - | - | - | - | 14 s. per 1,000 |
| Wood hoops | - | - | - | - | - | 5 s. 3 d. per 100 |
| Flour | - | - | - | - | - | 5 s. per barrel |
| Rice | - | - | - | - | - | 2 s. 6 d. per 100 lbs. |

(Wood, if imported from the warehouses in North America, except the Canadas, subject to one-fourth of the above only. If from the Canadas, free. Flour, if from the warehouses in North America, 1 s. per barrel only.)

In the British West India Colonies, the following duties were collected in the year 1828 on the produce of the United States :

| | £. | s. | d. | £. | s. | d. |
|-------------------|----|----|----|--------|----|----|
| Staves | - | - | - | 6,477 | 10 | 2 |
| Lumber | - | - | - | 5,072 | 17 | 10 |
| Shingles | - | - | - | 5,206 | 6 | 5 |
| Hoops | - | - | - | 34 | 19 | 11 |
| Flour | - | - | - | 28,977 | 17 | 8 |
| Corn and grain | - | - | - | 3,897 | 3 | 7 |
| Bread and biscuit | - | - | - | 524 | 9 | 2 |
| Rice | - | - | - | 2,432 | 15 | 8 |
| Carried forward | - | - | - | 52,624 | - | 5 |

| | | | |
|--|--------|----|----|
| | £. | s. | d. |
| Brought forward - - - | 52,624 | - | 5 |
| Cows and oxen, horses, sheep, salted beef and pork, tobacco and miscellaneous articles - - - | 4,653 | 13 | 8 |
| (Parliamentary Paper, 481, Session 1830.) | 57,277 | 14 | 1 |
| Miscellaneous articles imported from Europe - - - | 18,063 | 2 | 9 |
| £. | 75,340 | 16 | 10 |

These duties, and also the Crown duty which is levied almost exclusively on wine under the 18th Geo. 3, were collected in the undermentioned colonies :

| | Crown duties. | | | Colonial duties. | | |
|----------------------------|---------------|----|----|------------------|----|----|
| | £. | s. | d. | £. | s. | d. |
| Jamaica—Kingston - - - - - | 3,070 | 16 | 3 | 13,735 | 9 | 5 |
| Out-ports - - - - - | 1,171 | 16 | - | 6,029 | 11 | 4 |

The year 1829, in place of 1828, is taken for the Colonial duties of Jamaica; the year 1828 being incomplete, in consequence, it is presumed, of the misunderstanding with the Jamaica House of Assembly in regard to the collection of the duties.

| | | | | | | |
|-----------------------|--------|----|----|--------|----|----|
| Barbadoes - - - - - | 1,959 | 11 | 6 | 6,258 | 4 | 6 |
| Antigua - - - - - | 383 | 19 | 2 | 8,869 | 17 | 5 |
| Montserrat - - - - - | 47 | 19 | 6 | 537 | 5 | 11 |
| St. Kitts - - - - - | 167 | 7 | 10 | 5,558 | 19 | 3 |
| Nevis - - - - - | 135 | 14 | 10 | 2,143 | 3 | 11 |
| Tortola - - - - - | 19 | 8 | 7 | 610 | 6 | 9 |
| Grenada - - - - - | 445 | 4 | 3 | 2,852 | 7 | 11 |
| St. Vincent - - - - - | 397 | 1 | 2 | 4,058 | 17 | 2 |
| Dominica - - - - - | 194 | 3 | 3 | 1,133 | 15 | 3 |
| Tobago - - - - - | 101 | 15 | 2 | 1,170 | 16 | 4 |
| Demerara - - - - - | 705 | 2 | 10 | 3,411 | 10 | 5 |
| Berbice - - - - - | 122 | 5 | 6 | 668 | 13 | 3 |
| Trinidad - - - - - | 2,715 | 10 | 9 | 11,796 | 15 | 1 |
| St. Lucia - - - - - | 533 | 7 | 11 | 2,658 | 12 | 6 |
| Bahamas - - - - - | 560 | 3 | 3 | 3,846 | 10 | 5 |
| £. | 75,340 | 16 | 10 | | | |

| Expenses of Collection, 1829 : | | | | | Salaries. | | | Incidents. | | |
|--------------------------------|--------|--|--|--|-----------|----|----|------------|----|----|
| | | | | | £. | s. | d. | £. | s. | d. |
| Jamaica—Kingston - - - - - | | | | | 8,150 | - | - | 576 | 17 | 10 |
| Out-ports - - - - - | | | | | 9,900 | - | - | 1,022 | 4 | 1 |
| Barbadoes - - - - - | | | | | 6,150 | - | - | 255 | 5 | 6 |
| Antigua - - - - - | | | | | 4,910 | - | - | 1,176 | 11 | 10 |
| Montserrat - - - - - | | | | | 800 | - | - | 107 | 16 | 3 |
| St. Kitts - - - - - | | | | | 2,990 | - | - | 945 | 6 | 4 |
| Nevis - - - - - | | | | | 1,050 | - | - | 91 | 10 | 3 |
| Tortola - - - - - | | | | | 1,000 | - | - | 233 | - | 9 |
| Grenada - - - - - | | | | | 3,400 | - | - | 209 | 17 | 2 |
| St. Vincent - - - - - | | | | | 2,900 | - | - | 226 | 5 | - |
| Dominica - - - - - | | | | | 2,000 | - | - | 318 | 4 | 3 |
| Tobago - - - - - | | | | | 2,300 | - | - | 236 | 15 | - |
| Demerara - - - - - | | | | | 4,850 | - | - | 647 | 14 | 3 |
| Berbice - - - - - | | | | | 1,850 | - | - | 231 | 13 | 7 |
| Trinidad - - - - - | | | | | 4,147 | - | 9 | 302 | - | - |
| St. Lucia - - - - - | | | | | 2,000 | - | - | 276 | 4 | 10 |
| Bahamas - - - - - | | | | | 2,450 | - | - | 324 | 7 | 4 |
| £. | 60,847 | | | | | 9 | | 7,181 | 14 | 3 |

These sums together are - - - - £. 68,028 15 -

(Returns furnished by Mr. Woodhouse, Inspector of Plantation Accounts.)

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In the year 1828, the salaries were 62,983*l.* 3*s.* 5*d.* and the incidents 9,025*l.* 11*s.* 3*d.* but 1829 has been selected in preference as exhibiting the regulated and permanent expenses of the Custom House establishments in the West India Colonies.

| | | | |
|--|----------|----|----|
| Entire amount of duties received under the 3d Geo. 4, c. 44; | £. | s. | d. |
| 7th Geo. 4, c. 114; 7th & 8th Geo. 4, c. 56 | 75,340 | 16 | 10 |
| Expenses of collection | 68,028 | 15 | - |
| Net Revenue received by the Colonies for local purposes of government, in consequence of the alterations which have been made in the Colonial policy of Great Britain since 1823 | £. 7,312 | 1 | 10 |

IX. DIGEST.

American Supplies.—Cost.

ACCORDING to the evidence procured at the counting house of Messrs. Baring, Brothers & Co., Messrs. A. and J. Campbell and Co., & of Mr. John Williams, and Mr. Phillpots, the cost of American produce in the United States of America is as follows :

| Article. | Evidence. | Place of Shipment. | Average Price. | Mean rate of the whole. |
|-------------------------------|-----------------------|---|----------------|-------------------------|
| | | | £. s. d. | £. s. d. |
| p. 16. Red oak staves - - | Mr. W. W. De Forest - | Norfolk, Virginia, p' 1,000 | 3 13 6 | 4 - - |
| | | New York (inspected) - | 4 9 10 | |
| p. 20. Messrs. Campbell & Co. | | Norfolk - - - | 3 11 6 | |
| p. 18. Mr. Phillpots - - | | Norfolk - - - | 3 9 5 | |
| p. 18. Mr. Williams - - | | New York (inspected) - | 4 15 6 | 6 10 2 |
| p. 16. White oak staves - | Mr. De Forest - - | Norfolk - - per 1,000 | 5 8 3 | |
| | | New York (inspected) - | 6 16 10 | |
| p. 20. Messrs. Campbell & Co. | | Norfolk - - - | 6 6 7 | |
| p. 18. Mr. Phillpots - - | | Norfolk - - - | 4 13 11 | |
| p. 18. Mr. Williams - - | | New York (inspected) - | 9 5 - | 1 17 2 |
| p. 16. White pine lumber - | Mr. De Forest - - | Portland in Maine, p' 1,000 | 2 2 2 | |
| p. 20. Messrs. Campbell & Co. | | Norfolk - - feet | 1 16 9 | |
| p. 18. Mr. Phillpots - - | | Boston - - - | 1 12 8 | |
| p. 16. Pitch pine lumber - | Mr. De Forest - - | Wilmington, N. Carolina } Darien Georgia, p' 1,000 } | 3 8 5 | 4 4 2 |
| p. 20. Messrs. Campbell & Co. | | Norfolk - - feet | 5 2 1 | |
| p. 18. Mr. Phillpots - - | | Savannah - - - | 4 1 8 | |
| p. 16. Flour - - - | Mr. De Forest - - | New York - per barrel | - 19 5 | |
| p. 20. Messrs. Campbell & Co. | | Norfolk - - - | 1 2 5 | 1 1 5 |
| p. 18. Mr. Phillpots - - | | Norfolk - - - | 1 - 5 | |
| p. 18. Mr. Williams - - | | New York - - - | 1 3 5 | |
| p. 16. Rice - - - | Mr. De Forest - - | New York - per 100 lbs. | - 9 4 | |
| p. 20. Messrs. Campbell & Co. | | Norfolk - - - | - 11 3 | 10 5 ½ |
| p. 18. Mr. Phillpots - - | | Charleston - - - | - 9 2 | |
| p. 18. Mr. Williams - - | | New York - - - | - 12 1 ½ | |
| Shingles - - - | - - - | United States, per 1,000 | - - - | - 14 ½ |

According to the evidence procured at the counting-house of Messrs. A. and J. Campbell & Co., and of Mr. Logan, the price of American produce in Quebec is as follows :

| Article. | Evidence. | Place of Shipment. | Average Price. | Mean Rate. | |
|--------------------|------------------------|--------------------|----------------|------------------|--------|
| | | | £. s. d. | £. s. d. | |
| Red oak staves. | Messrs. Campbell & Co. | Quebec, per 1,000 | 8 3 4 | 7 8 4 | p. 20. |
| | Mr. Logan - - - | Ditto - - - | 6 13 4 | | p. 22. |
| White oak staves. | Messrs. Campbell & Co. | Quebec - - - | 10 12 4 | 10 6 2 | p. 20. |
| | Mr. Logan - - - | Ditto - - - | 10 - - - | | p. 22. |
| White pine lumber. | Messrs. Campbell & Co. | Quebec - - - | 1 16 9 | 1 14 8 | p. 20. |
| | Mr. Logan - - - | Ditto - - - | 1 12 8 | | p. 22. |
| Flour. | Messrs. Campbell & Co. | Quebec, per barrel | 1 6 6 | 1 5 - | p. 20. |
| | Mr. Logan - - - | Ditto - - - | 1 3 6 | | p. 22. |
| Shingles. | - - - - | Canada - - - | - - - | 18 s. per 1,000. | |

The variations in the foregoing quotations in the United States and in Canada, arise from the different periods of time which were selected by the individuals from whom the information was procured. On reference to the extracts from the New York Price Current since January 1828, given by Mr. Williams, the great fluctuations in the price of American produce may be perceived.

There are imported of the produce of the United States through St. Thomas :

| | | | £. s. d. |
|-------------------|--|--|----------------|
| Staves, red oak, | 6,179,117, which pay a duty of 15 s. per 1,000 | | 4,634 6 8 |
| white oak, | 2,224,537 - - - 12 s. 6 d. - | | 1,390 6 4 |
| Pitch pine lumber | 4,750,160 - - - 21 s. per 1,000 feet | | 4,987 13 2 |
| White, ditto | | | |
| Shingles - - | 7,506,866 - - - 7 s. per 1,000 | | 2,627 8 - |
| Wood hoops - | 132,885 - - - 5 s. 3 d. - | | 34 17 - |
| Flour, barrels - | 181,954 - - - 5 s. - - - | | 45,488 10 - |
| Rice - - - | 2,021,282 lbs. - 2 s. 6 d. per 100 lbs. | | 2,526 12 - |
| | | | £. 61,689 13 2 |

These duties appear to be greater in amount than what is actually received in the Colonies, according to Parliamentary Paper 481; but there is no doubt that the enhancement of prices to the planter is equal to the duties calculated on the entire quantities imported.

There are imported of the produce of the United States of America through the British North American provinces :

| | | | |
|---------------------|--|---|---------------|
| Staves, red oak - | 1,418,700, which pay $\frac{1}{4}$ th of 15 s. - | 3 s. 9 d. | 266 - 2 |
| white oak, | 510,680 | $\frac{1}{4}$ th of 12 s. 6 d., 3 s. 1 $\frac{1}{2}$ d. | 79 15 9 |
| Lumber, white pine, | 256,285 | $\frac{1}{4}$ th of 21 s. - | 67 5 6 |
| Shingles - - - | 661,100 | $\frac{1}{4}$ th of 7 s. - | 57 16 11 |
| Flour, &c. - - - | 33,648 barrels | - - - at 1 s. - | 1,682 8 - |
| Rice - - - - | 178,179 lbs. - | - 2 s. 6 d. per 100 lbs. | 222 14 6 |
| | | | £. 2,376 - 10 |

In consequence of the duties which are levied on the produce of the United States, and the circuitous manner in which that produce is obtained, a large quantity of supplies is imported from British North America at enhanced prices, which are defrayed by the West India Colonists.

White oak staves imported from Canada :

| | |
|-----------------------|-----------------------|
| The price in Canada - | - £. 10 6 2 per 1,000 |
| in United States - | - 6 10 2 |

Quantity, 1,326,953, at - 3 16 - is - - 5,042 10 -

Carried over - - £. 69,108 4 -

66 COMMERCIAL, FINANCIAL, AND POLITICAL STATE OF

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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X.—DIGEST.

American Supplies—Freights.

THE freights from the North American provinces to the British West Indies are stated to be as follows :

| | | | Staves, per 1,000. | Lumber, per 1,000 feet. | Flour, per Barrel. |
|--------|----------------------------------|--------------------------------|-----------------------|----------------------------|-----------------------|
| p. 23. | Mr. Thompson | - - - Quebec - - - - - | 91 s. 6 d. | 68 s. 6 d. | 6 s. 2 d. |
| p. 23. | | St. John's, New Brunswick | 75 s. | 55 s. | 5 s. 6 d. |
| p. 20. | Mr. Campbell | - { Quebec - - - - - | 90 s. | 77 s. 6 d. | 6 s. 5 d. |
| | | New Brunswick - - - | | | |
| | Messrs. A. and J. Campbell & Co. | - { Quebec, exchange 4 s. 4 d. | 91 s. 10 d. | 81 s. 8 d. | 7 s. 2 d. |
| | | per dollar - - - - - | | | |

Mean rates from British North America generally, to the West Indies :

For staves, 87 s. 1 d. per 1,000.
lumber, 66 s. 6 d. per 1,000 feet.
flour - 6 s. 4 d. per barrel.

The freights from the usual ports of shipment in the United States of America to the West Indies are stated to be as follows :

| | | | Staves, per 1,000. | Lumber, per 1,000 feet. | Flour, per barrel. |
|--------|--------------------------|--------------------------------|-----------------------|----------------------------|-----------------------|
| p. 18. | Mr. Philpotts | - - - Norfolk to West Indies - | 55 s. | 50 s. | 3 s. 2 d. |
| p. 20. | Mr. Seymour | - { Cuba exchange, 4 s. 1 d. | 65 s. 4 d. | 51 s. | 3 s. 8 d. |
| | | dollar - - - - - | | | |
| p. 20. | Messrs. A. & J. Campbell | - { St. Thomas - - - - - | 73 s. 6 d. | 55 s. 2 d. | 4 s. 1 d. |
| p. 16. | & Co. | - { West Indies - - - - - | 61 s. 3 d. | 61 s. 3 d. | 5 s. 1 d. |
| | Mr. De Forest | - - - - - | 51 s. | 54 s. 1 d. | 3 s. 1 d. |

Mean Rates from the United States to the West Indies generally :

Staves, 61 s. 2 d. per 1,000.
Lumber, 54 s. 3 d. per 1,000 feet.
Flour, 3 s. 8 d. per barrel.

The Freights, from St. Thomas to Jamaica, are stated to be as follows, viz. :—

| | Staves per 1,000. | Lumber, per 1,000 feet. | Flour, per barrel. | |
|---|-------------------|-------------------------|--------------------|--------|
| Mr. Seymour - - - | 10 dollars | 9 dollars | 100 cents. | p. 20. |
| Messrs. A. and J. Campbell & Co. 10 ditto - | - | 10 ditto | 62 ½ ditto. | p. 20. |

Mean Rates from St. Thomas to Jamaica, calculating the dollar at 4 s. 1 d. sterling :

| | |
|------------------|----------------------------|
| Staves - - - - - | 40 s. 10 d. per 1,000. |
| Lumber - - - - - | 38 s. 9 d. per 1,000 feet. |
| Flour - - - - - | 3 s. 4 ½ d. per barrel. |

There are imported circuitously through St. Thomas :

| | s. | d. | £. | |
|---|----|-----|----|------------|
| Staves 8,403,654, which pay an extra freight of | 40 | 10 | - | 17,156 |
| Lumber 4,750,160 - ditto - ditto | 38 | 9 | - | 9,203 |
| Flour 181,954 bar. ditto - ditto | 3 | 4 ½ | - | 30,705 |
| Shingles 7,506,866 - ditto - ditto | 8 | 2 | - | 3,065 |
| Rice 2,021,282 - ditto - ditto | 1 | 4 | - | 1,347 |
| Hoops and other articles } ditto - ditto | - | - | - | 840 |
| of American produce - } | | | | |
| | | | | 62,316 - - |

There are imported circuitously of the produce of the United States through British North America :

| | | | | |
|--|----|-----|----|------------|
| Staves, 1,929,380, which pay an extra Freight, at least equal to what is paid on importation through | s. | d. | £. | |
| St. Thomas - - - - - | 40 | 10 | - | 3,938 |
| Lumber 256,285 - ditto - - - | 38 | 9 | - | 496 |
| Flour 33,648 barrels ditto - - - | 3 | 4 ½ | - | 5,678 |
| Shingles 661,000 ditto - - - | 8 | 2 | - | 270 |
| | | | | 10,382 - - |

The difference on freight from British America, and from the United States is :

| |
|-----------------------------------|
| On Staves, 25 s. 11 d. per 1,000. |
| Lumber 12 s. 3 d. per 1,000 feet. |
| Flour - 2 d. 8 d. per barrel. |

There are imported from British North America :

| | s. | d. | £. | |
|---|----|----|----|------------|
| Staves - 5,012,718, which pay an extra freight of | 25 | 11 | - | 6,496 |
| Lumber, 18,482,778 - ditto - - - | 12 | 3 | - | 11,320 |
| Flour - 15,771 barrels ditto - - - | 2 | 8 | - | 2,103 |
| Shingles, 10,897,011 } - ditto - - - | - | - | - | 2,184 |
| Hoops - 328,347 } - ditto - - - | - | - | - | |
| And other articles } | | | | |
| | | | | 22,103 - - |

| | |
|--|------------|
| Enhancement of freights paid by the West Indian Colonists } to support the British shipping engaged in the North Ame- } £. rican Trade, and in carrying the supplies from St. Thomas - } | 94,801 - - |
|--|------------|

XI.—DIGEST.

American Supplies.—Colonial Sale Prices.

THE [selling prices, to the planters, of the undernoted Articles, are stated by Mr. Gray, Mr. Lang, Mr. Macrae, Mr. Woodburn, and Mr. Alexander Grant, respectively, to average as follows :

Mean Rates, exclusive of Duties.

| | Havannah. | | | Brazil. | | | British Colonies. | | |
|---------------------|-----------|----|----|---------|----|----|-------------------|----|-------------------|
| | £. | s. | d. | £. | s. | d. | £. | s. | d. |
| Fish - - - | - | 12 | 6½ | 1 | - | - | 1 | 1 | - per quintal. |
| Pitch pine lumber - | 5 | 5 | 6½ | - | - | - | 11 | 14 | 6 per 1,000 feet. |
| White ditto - | 4 | 4 | 7½ | - | - | - | 7 | 5 | 6 ditto. |
| Rice - - - | - | 14 | -½ | 1 | 14 | - | 1 | - | 2 per 100 lbs. |

Mean Rates, inclusive of Duties.

| | £. | s. | d. | | £. | s. | d. | |
|---------------------|----|----|----|---|----|----|----|-----------------|
| Fish - - - | - | 14 | 11 | - | 1 | 1 | - | per quintal. |
| Pitch pine lumber - | 5 | 19 | 3 | - | 12 | 15 | 6 | per 1,000 feet. |
| White ditto - | 4 | 18 | 4 | - | 8 | 6 | 6 | ditto. |
| Rice - - - | - | 19 | 1 | - | 1 | 2 | 8 | per 100 lbs. |

The superior cheapness at Havannah, even after paying high duties for local expenses of government, which expenses in the British Colonies, are defrayed by a tax on Negroes, and on the produce manufactured, arises on the one hand from the very great competition amongst American traders in Cuba, and, on the other hand, from the heavy comparative charges which the British pays in commissions, port and other charges, all of which are caused by the circuitous and cumbersome mode in which the trade is conducted, and which have not been included in the statement of the enhancement of freights.

The advantage of bartering rum and molasses for American supplies, in place of giving cash or bills of exchange in payment, is stated by the above-mentioned authorities to be equal to 10 to 25 per cent.

Taking in conjunction these disadvantages under which the British planter is placed, as compared with the Cuba planter, they cannot be estimated under 15 per cent on the entire amount of American supplies.

| | £. |
|-------------------------------|---------|
| Value of Fish - - - - - | 313,604 |
| — Staves - 15,345,752 - - - | 207,168 |
| — Lumber, 23,489,223 - - - | 211,403 |
| — Flour - 231,374 - - - | 462,748 |
| — Shingles 19,064,967 } - - - | 55,588 |
| — Rice - 2,199,461 } - - - | |
| — And other articles | |

£. 1,250,511 at 15 per cent.

| | |
|---|-----------------|
| Enhancement of prices paid by the Colonists, in consequence of their being deprived of the power of barter, and of the disadvantageous mode on which they receive American supplies - - - - - | £. 187,576 12 - |
|---|-----------------|

XII.—DIGEST.

British Manufactures.—Quantities Imported into the West India Colonies.

| | |
|--|--------------|
| THE declared value of British manufactures, exported to the West Indies for the year 1828, is stated in Parliamentary Paper 267, Session 1830, to be - - - - - | £. 3,289,704 |
| Deduct herrings and sundry articles, elsewhere enumerated - - - | 276,940 |
| | 3,012,764 |
| According to the evidence of Mr. Woodburn, there may be re-exported to South America and other ports - - - - - | 750,000 |
| | £. 2,262,764 |

p. 24.

Retained for Colonial consumption; viz.

| | | |
|---|------------|--|
| Apparel - - - - | £. 215,966 | |
| Linens - - - - | 352,372 | |
| Ironware, and steel and copper manufactures, clocks and watches - } | 201,986 | - - - - Duty 30 per cent, ad valorem. |
| Leather - - - - | 99,169 | |
| Saddlery - - - - | 24,248 | |
| Hosiery, lace - - - - | 41,038 | |
| Silk - - - - | 48,240 | |
| Stationery - - - - | 27,500 | |
| | <hr/> | £. 1,010,519 |
| Cottons - - - - | 539,291 | |
| Glassware - - - - | 61,585 | - - - - Duty 20 per cent, ad valorem. |
| Soap and candles - - - - | 138,834 | |
| | <hr/> | £. 739,710 |
| Woollens - - - - | 121,323 | |
| Paints, oils - - - - | 21,090 | - - - - Duty 15 per cent, ad valorem. |
| Miscellaneous unenumerated | 135,122 | |
| | <hr/> | £. 277,535 |
| Perfumery, jewellery, and medicine - | | 130,000 |
| Duty 7 ½ per cent ad valorem. | | |
| Salt, hay, ammunition, tea - - | | 105,000 |
| Part free, part prohibited. | | |
| Declared value, on which duty would be calculated - - - - | £. | <hr/> 2,262,764 <hr/> |

| | |
|--|------------------|
| Butter and cheese from Great Britain - - - - | £. 92,494 |
| Beef and pork ditto, 41,838 barrels at 4 l. 10 s. - - - - | 188,271 |
| From United States of America, viz.: | |
| Beef and pork, 2,326 cwts. duty 12 per cent, £. 1,279 6 2 value | 4,652 |
| Leather manufactures, ditto - 30 per cent - 64 16 3 | 216 |
| Soap, manufactured tobacco - 20 per cent - 526 5 3 | 2,631 |
| Beer, lard, butter, cheese, can- dles, furniture, rosin, hops, } 15 per cent - 2,364 2 10 - | 15,776 |
| tobacco unmanufactured - | |
| Cows, oxen, horses, sheep - 10 per cent - 365 6 - | 3,653 |
| Pitch, tar, turpentine - - 7 ½ per cent - 53 17 2 | 675 |
| | <hr/> |
| | £. 308,368 <hr/> |

The above is the cocket value of the aggregate importations of manufactures into the Colonies, on which duties either are or would be paid, if imported from foreign countries; the actual cost to the colonists is very considerably more.

XIII. DIGEST.

Manufactures.—Restrictive Duties on their Importation into the West India Colonies.

| | | |
|--|----------------------|-------|
| ACCORDING to the evidence of Mr. Macrae, the price of mess beef in Hamburgh, may be stated at - } | £. 3 - - per barrel. | p. 25 |
| Pork - - - - - | 2 6 - ditto. | |
| Butter - - - - - | 3 - - per cwt. | |
| In Great Britain, at the same period, the prices were, | | |
| Mess beef - - - - - | £. 4 - - per barrel. | |
| Pork - - - - - | 3 5 - ditto. | |
| Butter - - - - - | 4 - - per cwt. | |

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It is reasonable, therefore, to conclude that if trade were free, the West India colonists would save, in the purchase of those articles, a sum quite equal to the restrictive duties which are imposed on them.

| | |
|--|---------|
| The duty on beef and pork is 12 s. per cwt. : | £. |
| The average importations may be taken at 32,000 barrels - | 35,200 |
| The cost of butter, hams, bacon, cheese, is also enhanced to the colonists to the full extent of the protecting duty, or 15 per cent. : | |
| The value is - - - - - 124,000 - - 15 per cent - | 18,600 |
| The cost of linens, it is presumed, is also enhanced to the colonists to the full extent of the protecting duty : | |
| The value is - - - £. 352,372 - - 30 per cent - | 105,711 |
| | <hr/> |
| The remaining articles pay various rates of duty ; some of them are probably produced as cheaply in Great Britain as in most other countries ; but still there can be no doubt, that were trade free, the general competition from all nations would cause a considerable declension of price ; and 10 per cent seems a very moderate estimate to put upon the entire amount of manufactures, as the aggregate enhancement caused by the restrictive system. | 159,511 |
| The amount is, rejecting those articles which are free, at 10 per cent - - - - - | 208,410 |
| Various duties actually paid on importations of manufactures from United States - - - - - | 4,654 |
| Enhancement in the cost of manufactures paid by the West India Colonists to support the manufacturing interests in the United Kingdom - - - - - £. | <hr/> |
| | 372,575 |

It will be observed, that this statement exhibits the actual amount paid by the colonists in the enhancement of cost of European articles, and not the amount of the respective duties themselves. If the latter be estimated, which is the mode of procedure adopted in analogous cases in England, the account will stand thus :—

| | | | | |
|---------------------------------|---|---|-----------|---------|
| Articles paying 30 per cent | - | - | 1,010,519 | 303,156 |
| ditto 20 — | - | - | 739,710 | 147,942 |
| ditto 15 — | - | - | 277,535 | 41,630 |
| ditto 10 — | - | - | 3,653 | 365 |
| ditto 7½ — | - | - | 130,000 | 9,750 |
| American importations, as above | - | - | - | 4,654 |
| Provisions | - | - | - | 53,800 |
| | | | | <hr/> |
| | | | | 561,297 |

In these estimates, no allowance of any kind is made for the many expenses defrayed by the planters, which the engagements and practices reared up under a long established colonial system have created.

For upwards of a century and a half, every Act of Parliament regulated colonial commerce with no other view than to benefit the subjects and navigation of Great Britain.

The chief Acts of this nature are these :

| | |
|---------------------------|-----------------------|
| 12 Car. II. cap. 18. | 15 Geo. II. cap. 33. |
| 15 Car. II. cap. 7. | 23 Geo. II. cap. 29. |
| 25 Car. II. cap. 7. | 4 Geo. III. cap. 15. |
| 7 & 8 Will. III. cap. 22. | 27 Geo. III. cap. 27. |
| 5 Geo. II. cap. 22. | |

It could not be expected that the mere act of repealing these laws is to terminate the connections, the engagements, the mercantile establishments, and the whole usages of trade, which long practice has formed into a settled system. The planters, in conducting business with their correspondents, are virtually subject to the same expenses, since the passing of the 6 Geo. 4, as they were previously ; although the calculation of the restrictions upon colonial trade have been strictly confined to the regulations of this last statute.

XIV.—DIGEST.

Freights.—Outwards and Homewards.

| | | |
|---|------------|--------|
| According to the evidence of Mr. R. Douglas, the freight of sugar by British ships from the West India colonies, is | s. d. | p. 31. |
| From Cuba and Brazil, by foreign vessels to the continent of Europe, according to the evidence of Mr. Maine | 5 - 3 9 | p. 32. |
| | 1 3 | |

| | | |
|---|------------|--------|
| The quantity of sugar imported from the British Colonies, Digest XVI. cwts. 3,972,387, at 1 s. 3 d. | £. | |
| Enhancement of freight on rum, coffee, [cotton, and other articles, estimated in the same proportion, and according to the quantities stated in Digest XVI. | 248,274 | |
| According to the evidence of Mr. Douglas, the outward freight in British vessels is 8 s. per ton more than in foreign vessels. | 74,000 | p. 31. |
| The register tonnage, engaged in the West India trade, is 220,000 equal to 290,000 actual tons | 116,000 | |
| The entire value of the goods shipped is about three millions and a half: were the enhancement of freight calculated upon these goods, it would be at least equal to 8 s. per ton, taken on the entire tonnage. | | |
| Total enhancement of freight paid by the West India planters to support British navigation in the European trade | £. 438,274 | |

XV.—DIGEST.

Freights.—Surplus Produce, first imported into Great Britain, and from thence exported to the Continent of Europe.

IT has been the policy of Great Britain to confine the colonists to the making of raw sugar, and to cause it to come to Great Britain to be refined for exportation.

The colonists consider that this manufacture or process of making sugar fit for use, should legitimately belong to themselves.

Under the regulations of the mother country, double freights are incurred on the surplus, as it is generally termed, or the portion of sugar which comes first to Great Britain, and is afterwards exported in a refined state; and these charges, from the relation which subsists between prices on the Continent, and in Great Britain, as is explained in evidence, are ultimately defrayed by the West India planters.

The average surplus, for the last four years, according to Digest V., is about 453,300 cwts. refined sugar, which pays a double freight, together with charges at least 3 s. 4 d. per cwt. equal to about 2 s. 2 d. per cwt. if computed on the corresponding quantity of raw sugar, 453,300 cwts. at 3 s. 4 d.

| | |
|--|--------------|
| Amount paid by the West India Planters, in consequence of the policy of Great Britain in confining the refining of sugar to the mother country | } £. 75,550. |
| - - - - - | |

XVI.—DIGEST.

Recapitulation of Restrictions on Colonial Trade.

| | | | |
|---|-------------|------------|--------------|
| Fish : | | | |
| From Newfoundland, enhancement of cost | Digest VI. | £. 75,544 | |
| From Great Britain ditto | Digest VII. | 68,668 | |
| American Supplies : | | | |
| Enhancement in cost | Digest IX. | 86,677 | |
| in freights | Digest X. | 94,801 | |
| Restrictions and disadvantages in sale | Digest XI. | 187,576 | |
| Total enhancement in the cost of American or transatlantic articles, caused by the restrictive system | | £. 513,266 | (continued.) |

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| | | | | | |
|--|---|---|---|--------------|--------------|
| British Manufactures : | | | | £. | |
| Enhancement in cost | - | - | - | Digest XIII. | 372,575 |
| Freights : | | | | | |
| Enhancement in, to and from Europe | - | - | - | Digest XIV. | 438,274 |
| On surplus produce | - | - | - | Digest XV. | 75,550 |
| | | | | | <hr/> |
| | | | | | 513,824 |
| | | | | | <hr/> |
| | | | | | 1,399,665 |
| Deduct net revenue derived by the colonists in diminution of the aggregate amount of these several restrictions, Digest VIII. | | | | | - |
| | | | | | <hr/> |
| | | | | | 7,312 |
| | | | | | <hr/> |
| | | | | | £. 1,392,353 |

TABLE of Importations from the Colonies.

| | | | | | | |
|----------------------|---|---|---|---|----------------------|------------|
| SUGAR : | | | | | | Cwts. |
| 1827, Great Britain | - | - | - | - | 3,336,994 | 3,550,917 |
| Ireland | - | - | - | - | 213,923 | |
| 1828, Great Britain | - | - | - | - | 3,968,074 | 4,213,429 |
| Ireland | - | - | - | - | 245,355 | |
| 1829, Great Britain | - | - | - | - | 3,904,587 | 4,152,815 |
| Ireland | - | - | - | - | 248,228 | |
| | | | | | <i>Cwts.</i> | 11,917,161 |
| | | | | | <i>Average Cwts.</i> | 3,972,387 |
| RUM : | | | | | | Gallons. |
| 1827, Great Britain | - | - | - | - | 4,767,434 | 4,803,761 |
| Ireland | - | - | - | - | 36,327 | |
| 1828, Great Britain | - | - | - | - | 6,272,601 | 6,307,223 |
| Ireland | - | - | - | - | 34,622 | |
| 1829, Great Britain | - | - | - | - | 6,901,611 | 6,934,759 |
| Ireland | - | - | - | - | 33,148 | |
| | | | | | | 18,045,743 |
| | | | | | <i>Gallons</i> | 6,015,248 |
| COFFEE : | | | | | | lbs. |
| 1827, Great Britain | - | - | - | - | 29,027,699 | 29,189,746 |
| Ireland | - | - | - | - | 162,047 | |
| 1828, Great Britain | - | - | - | - | 29,452,000 | 29,839,192 |
| Ireland | - | - | - | - | 387,192 | |
| 1829, Great Britain | - | - | - | - | 26,582,729 | 26,862,528 |
| Ireland | - | - | - | - | 279,799 | |
| | | | | | <i>lbs.</i> | 85,891,466 |
| | | | | | | 28,630,489 |
| COTTON : | | | | | | lbs. |
| 1827, United Kingdom | - | - | - | - | 7,165,881 | 17,700,095 |
| 1828, ditto | - | - | - | - | 5,893,800 | |
| 1829, ditto | - | - | - | - | 4,640,414 | |
| | | | | | <i>lbs.</i> | 5,900,032 |

Appropriation of Restrictions upon the different articles of West India Produce,
according to their relative value, and nature of their production.

| | £. |
|----------------------------------|--------------|
| Sugar - - - - - | 1,101,000 |
| Rum - - - - - | 170,000 |
| Coffee - - - - - | 80,293 |
| Cotton - - - - - | 21,060 |
| Miscellaneous articles - - - - - | 20,000 |
| | <hr/> |
| | £. 1,392,353 |

The extremely low price of rum causes a less sum to be appropriated to that article than otherwise would be, if prices gave a fair return to the planter.

(A.)

STATEMENT, exhibiting the Net Charge on every cwt. of Sugar, and on every gallon of Rum, paid by the West India Colonists, in consequence of the restrictions on Colonial Trade, all of which are imposed to support various interests in the Mother Country, and in her North American Colonies.

The entire quantity of sugar imported from the West India Colonies is 3,972,387 cwts.
The amount of restrictions, 1,101,000 *l.* equal to 5 *s.* 6 $\frac{1}{2}$ *d.* per cwt.

| | Gallons. |
|---|-----------|
| The quantity of rum imported into Great Britain is - - - - - | 6,015,248 |
| into British North American Colonies - - - - - | 2,082,791 |
| | <hr/> |
| The amount of restrictions, 170,000 <i>l.</i> equal to 5 $\frac{1}{4}$ <i>d.</i> per gallon. | 8,098,039 |

(B.)

STATEMENT, exhibiting the Difference in the Amount of Restrictions paid by the West India Colonists, in consequence of the recent opening of the Trade of the United States of America, with the British West Indies.

| | £. |
|---|-----------|
| Amount of extra freights now paid in consequence of American supplies being imported through St. Thomas, according to Digest X. - - - - - | 62,316 |
| Ditto - ditto - through British America - - - - - | 10,382 |
| | <hr/> |
| Amount of saving to the British West India Colonists | £. 72,698 |

But according to the new Schedule, additional duties are levied as follows:

| | | |
|--|------------|-----------|
| Staves from 12 <i>s.</i> 6 <i>d.</i> and 15 <i>s.</i> to 18 <i>s.</i> 9 <i>d.</i> , 3 <i>s.</i> 9 <i>d.</i> on | 11,283,582 | 2,116 |
| Ditto - - - ditto - - - - - 6 <i>s.</i> 3 <i>d.</i> on | 4,062,170 | 1,269 |
| Lumber, from 1 <i>l.</i> 1 <i>s.</i> to 1 <i>l.</i> 11 <i>s.</i> 6 <i>d.</i> - - - - - | 23,489,223 | 12,332 |
| Shingles, from 7 <i>s.</i> to 10 <i>s.</i> 6 <i>d.</i> - - - 3 <i>s.</i> 6 <i>d.</i> on | 19,064,967 | 3,336 |
| Hoops, from 5 <i>s.</i> 3 <i>d.</i> to 7 <i>s.</i> 10 <i>d.</i> - - - 2 <i>s.</i> 7 <i>d.</i> on | 461,238 | 60 |
| Flour, from 5 <i>s.</i> to 6 <i>s.</i> - - - - - 1 <i>s.</i> on | 231,374 | 11,569 |
| | <hr/> | £. 30,682 |
| Saving on freights - - - - - | | 72,698 |
| Deduct additional duties - - - - - | | 30,682 |
| Net advantage derived by the colonists in consequence of the opening of the trade - - - - - | | £. 42,016 |
| | <hr/> | |
| Appropriated to sugar - - - - - | | £. 33,120 |
| Appropriated to rum - - - - - | | 5,114 |

On 3,972,387 cwts. equal to 1 $\frac{1}{4}$ *d.* per cwt.

On 8,098,039 gallons of rum about $\frac{1}{4}$ *d.* per gallon.

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XVII.—DIGEST.

Cost of Slaves in the British Colonies and in Cuba.

IN making a comparison between the cost of slaves in the British Colonies and in foreign possessions, it is necessary to adopt a criterion which will fairly exhibit the relative situation in which the British and foreign cultivator is placed.

In Cuba and Brazil there are constant importations of slaves; sales are daily taking place; and therefore the selling price may be taken as the actual value.

But in the British Colonies the case is very different; properly speaking there is no regular market for the principle of supply and demand to operate; the selling price is depressed by the colonial distress, and by the agitation and proceedings of the mother country; and therefore, the proper criterion of the value of the slaves is the cost of rearing them.

According to the evidence of various planters, the cost of rearing a slave may be divided into these heads:—Loss of Mother's Labour and Allowances; Medical Attendance; Maintenance of Child; Clothing; Taxes; Insurance of Life; and Interest of Money.

| | | | Sterling. | | | Average. | | |
|--|--------------------------|------------------------------|-----------|----|-----|----------|----|----|
| | | | £. | s. | d. | £. | s. | d. |
| Loss of Labour of Mother, and Allowances: | | | | | | | | |
| Jamaica | - | currency 23 l. 17 s. 6 d. or | 17 | 2 | - | | | |
| Demerara | - | - | 20 | 8 | 4 | | | |
| Trinidad | - | - | 19 | 12 | - | | | |
| Barbadoes | - | - | 12 | 8 | 8 | | | |
| Antigua, Virgin Islands | - | - | 16 | 6 | 8 | | | |
| | | | | | | 17 | 3 | 6 |
| Medical Attendance: | | | | | | | | |
| Jamaica | - | - | 3 | 6 | 8 | | | |
| Demerara | - | - | 6 | - | - | | | |
| Trinidad | - | - | 5 | 14 | 4 | | | |
| Barbadoes | - | - | 3 | 13 | - | | | |
| Antigua, Virgin Islands | - | - | 4 | 4 | - | | | |
| | | | | | | 4 | 11 | 7 |
| Maintenance: | | | | | | | | |
| Jamaica | - | - | 26 | 3 | 9 | | | |
| Demerara | - | - | 52 | - | - | | | |
| Trinidad | - | - | 47 | - | - | | | |
| Barbadoes | - | - | 33 | 10 | - | | | |
| Antigua, Virgin Islands | - | - | 36 | 8 | 9 | | | |
| | | | | | | 39 | - | 6 |
| In the statements relative to Trinidad and Antigua, the clothing and maintenance are added together. They have here been separated according to the proportions of the other colonies: | | | | | | | | |
| Clothing: | | | | | | | | |
| Jamaica | currency, 14 l. 14 s. or | - | 10 | 10 | - | | | |
| Demerara | - | - | 12 | - | - | | | |
| Trinidad | - | - | 12 | - | - | | | |
| Barbadoes | - | - | 11 | 18 | - | | | |
| Antigua, Virgin Islands | - | - | 11 | 5 | - | | | |
| | | | | | | 11 | 10 | 7 |
| Taxes: | | | | | | | | |
| Jamaica | - | - | 5 | - | - | | | |
| Demerara | - | - | 1 | 2 | 10½ | | | |
| Trinidad | - | - | 4 | 13 | 11 | | | |
| Barbadoes | - | - | 1 | 15 | - | | | |
| Antigua, Virgin Islands | - | - | 1 | 16 | 6 | | | |
| | | | | | | 2 | 19 | 6 |
| Total | | | £. | | | 75 | 5 | 8 |

| | £. | s. | d. |
|--|-------|-----|------|
| Positive outlay | 75 | 5 | 8 |
| Interest of money : | | | |
| According to the evidence it appears that there is a positive outlay expended on the Negro in the early stages of infancy, for which no remuneration is obtained for many years. | | | |
| This employment of capital, if expended in another channel, would have yielded regular periodical returns, and of course, when employed in rearing Negroes, compound interest is to be calculated on each progressive annual outlay: | | | |
| Interest on loss of mother's labour, and expenditure of the first year, for fourteen years | £. 13 | 15 | 3 |
| Interest on the annual expenditure of maintenance, clothing and medical attendance for thirteen years | 33 | — | 4 |
| | | 46 | 15 7 |
| | £. | 122 | 1 3 |

Insurance of life:

The mortality amongst the children is only given in the Jamaica and Demerara statements. Adopting the latter, as more easily calculated, that out of 100 deaths under fourteen years of age :

70 die before 2 years of age.
 20 - from 2 to 6 years.
 10 - - 6 to 14.

and that one in three of the entire births die before reaching the age of fourteen years; the insurance of life may be thus stated :

Cost of 100 Negroes, supposing them to be all

alive at the end of 14 years : - - - 12,206 l. 5 s.

| | £. | s. | d. |
|---|-------|-------|------|
| Natural cost of 66⅔, being two-thirds of 100 | 8,137 | 10 | — |
| Of the remainder, 23⅓ die before they are two years old, average one year, when they have cost for clothing, loss of mother's labour, &c. | 481 | 12 | 9 |
| Ditto - ditto - 6⅔ die from two to six years old, average four years, when they have cost for food, clothing and medicines | 221 | 18 | 11 |
| Ditto - ditto - 3⅓ die from six to fourteen years old, average ten years, when they have cost for clothing, food, medicine, &c. | 190 | 11 | 8 |
| | £. | 9,031 | 13 4 |

If 66⅔ cost 9,031 l. 13 s. 4 d. one will cost - - - £. 135 9 6

viz. natural cost - - - £. 122 1 3
 Insurance - - - 13 8 3

Actual cost of rearing Negroes in the British Colonies £. 135 9 6

In the evidence, the local circumstances which occasion the differences in the various branches of the outlay in rearing a Negro, are explained.

If we take Jamaica as the criterion, and assume that a youth of 14 years of age, as is stated in evidence, would be worth about 25 l. more than the general average of the entire Negro population, it will leave 87 l. for the cost of Negroes in the old Colonies.

According to the outlay in the respective Colonies, the cost of slaves will be as follows :

| | £. | s. | d. |
|-------------------------|-----|----|----|
| Jamaica | 112 | — | — |
| Demerara | 168 | — | — |
| Trinidad | 162 | — | — |
| Barbadoes | 109 | — | — |
| Antigua, Virgin Islands | 122 | — | — |

It cannot, of course, be considered that these sums are exactly accurate, but they may be taken as an approximation, which will be useful in subsequent investigation.

The average selling price of slaves in Cuba is stated to be 200 to 250 dollars per head, averaging about 45 *l.* sterling.

Considerable discrepancy appears in the statements respecting the cost of slaves in Cuba, according as the terms "Import price" and "Selling price" are used.

When the proprietor is owner of a slave vessel, the slaves once landed on his plantation do not stand him more than 100 dollars per head, because he has then the profit on the importation; but when the captain of the slave-trader sells the slaves to the planters, the price is generally 220 dollars, which has been accordingly taken as the average value.

On the plantation relative to which details have been given in Digest II., as exhibiting the fair average of the West Indies generally, the number of slaves was 336.

| | £. | s. | d. |
|----------------------------------|----|----|--------------|
| Cost thereof in British Colonies | - | - | 87 - - each. |
| — in Foreign colonies | - | - | 45 - - |
| Difference | - | - | £. 42 - - |

| | £. | s. | d. |
|--|-----------|----|----|
| Excess of capital in the cost of 336 slaves in the British Colonies | 14,112 | - | - |
| Besides the first cost of the slaves, there is the enhancement of labour in the erection of the buildings, and in clearing the land. | | | |
| The cost of the buildings, independent of the imported articles, may be stated at 9,000 <i>l.</i> | | | |
| It may be estimated that three-fifths of that cost is composed of labour, on which the enhancement would be | 2,607 | - | - |
| Enhancement on labour sunk in clearing land, preparing provision grounds, and pasturage for stock and cattle | 2,500 | - | - |
| Total excess of capital required in the British Colonies beyond that of Cuba, in consequence of the higher cost of the slaves | £. 19,219 | - | - |

XVIII.—DIGEST.

Comparative Efficiency of Slaves in the British Colonies, and in Cuba and Brazil.

IN the British Colonies, it is stated, that in the great gang there is seldom so many as one-third, or 33 to 34 in 100, out of the entire population on sugar plantations.

In Cuba, the proportion, similarly estimated, may be taken at 50 to 55.

Of those generally considered working people, but not in the great gang, or in respect to whom the returns of labour exceed the cost of maintenance, the proportion in the British Colonies may be taken, according to the evidence of Mr. Hibbert, at 45 in 100.

In Cuba, according to details given by Mr. Stouder, and which are corroborated by other evidence, the proportion of working people amounts to at least 65 in 100.

XIX.—DIGEST.

Amelioration of Slaves.—Increased Expense to the British Planters, compared with Foreign Colonies.

THE increased expense to the British planters, occasioned by superior treatment of the slaves, and the ameliorating laws affecting them now in progress, may be classed under these heads:—Medical Attendance; Clothing and Allowances; higher

higher Salaries to Whites; Moral and Religious Instruction; Registration, and sundry other charges.

| | £. | s. | d. |
|--|-----|----|----|
| According to the details given in the evidence respecting Cuba and the British Colonies, the extra expense for clothing, on a plantation of 336 Negroes, may be estimated at | 85 | - | - |
| Medical attendance | 60 | - | - |
| Additional salaries, in consequence of the superior class of society, of which the white superintendents are composed | 60 | - | - |
| Clerical establishments, registration, and sundry charges | 40 | - | - |
| | 245 | - | - |

This sum is independent of the loss of labour, which necessarily arises from the excitement in which the slaves are constantly kept, in consequence of the proceedings of the mother country.

XX.—DIGEST.

Recapitulation of Advantages which the Foreign Planter possesses in consequence of the continuance of the Slave Trade.

ACCORDING to Digest XVII. the excess of capital required on a sugar plantation of 336 slaves in the British Colonies, is:—

| | £. |
|---|--------|
| On account of slaves | 14,112 |
| Proportion of works dependent on labour | 5,107 |
| | 19,219 |
| The entire cost of this plantation is:— | |
| Slaves | 29,232 |
| Land, buildings, works, stock, estimated at | 21,500 |
| | 50,732 |

It produces, according to Digest II. 3,503 cwt. of sugar, which, allowing 10 per cent on the capital invested, requires a return of, per cwt. 29 s.

If, therefore, 50,732 l. require a return of 29 s., 19,219 l. which is the excess of capital required in the British Colonies, will require a return of, per cwt.

In the plantations in the British Colonies, there are in every 100 slaves 45 effective; and on a sugar plantation in Cuba there are 65, as appears by Digest XVIII. Out of 336 slaves, therefore, there are, on the British plantations 151 working people, and in Cuba 218 out of the same number; and according to this proportion there ought to be produced in the British plantation, if the slaves were similarly effective to those of Cuba, 5,057 cwt. sugar, in place of 3,503 cwt. sugar.

| | s. | d. |
|--|----|----|
| The cost of producing 3,503 cwt. is 2,740 l. equal to per cwt. | 15 | 8 |
| But if the quantity were increased to 5,057 cwt. the cost per cwt. would be only | 10 | 10 |

Leaving, as the amount of advantage which the foreign planter enjoys in consequence of his greater number of effective slaves

It will be observed that this calculation does not take into account the additional quantity of molasses which the Cuba planter makes, in consequence of the superior efficiency of his people. If this advantage be included, the amount will be 6 s. 1 d. in place of 4 s. 10 d.

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| | |
|---|----------|
| According to Digest XIX. the British planter pays 245 <i>l.</i> in different items of outlay, occasioned by the superior treatment of his slaves. On an estate producing 3,503 cwt. sugar, this is equal to - - - - - | £. s. d. |
| | - 1 5 |
| Entire extent of advantages which the foreign cultivator possesses in consequence of the continuance of the slave trade - £. | - 17 3 |
| | <hr/> |
| | s. d. |
| The cost of sugar in British Colonies - - - | 15 10 |
| Import and sale charges - - - - - | 8 6 |
| Return on capital at 10 per cent - - - | 29 - |
| | <hr/> |
| Price at which the British planter ought to sell his sugar to give a fair return for cultivation - - - - - | 53 4 |
| | <hr/> |
| | s. d. |
| According to Mr. Stouder's evidence, the cost in Cuba including export duties and tonnage, is - - - | 10 2½ |
| Import and sale charges - - - - - | 7 3 |
| Return on capital at 10 per cent - - - | 8 2 |
| | <hr/> |
| | 25 7½ |
| To keep up the capital of Negroes by annual purchases of new slaves, the numbers not being kept up by natural increase as in the British Colonies, estimated at about 10 or 12 Negroes in every 100: equal to a charge per cwt. of 4 <i>s.</i> or 5 <i>s.</i> , say - - - - - | 4 6 |
| | <hr/> |
| Price at which the Havannah planter can sell his sugar to give a fair return for cultivation - - - - - | 30 1½ |
| | <hr/> |
| | 23 2½ |
| | <hr/> |
| The extra price required for the British Colonies is made up : | |
| Restrictions - - - - - | 5 6½ |
| Slave Trade - - - - - | 17 3 |
| | <hr/> |
| | 22 9½ |
| | <hr/> |

XXI.—DIGEST.

Acts of Parliament relative to the East India Trade.

MR. PITT's Act, 22 Geo. 3, conferred legislative functions upon the East India Company for the purpose of framing laws, and facilitating their trade generally with all places within their charter.

The 37th Geo. 3, c. 117, conferred power on the East India Company to permit vessels belonging to countries in amity with His Majesty to import into, and export from the British possessions in India, goods not contrary to treaties, or expressly prohibited by the statute law of the realm.

By the 54th Geo. 3, called the Circuitous Trade Act, the trade in ships was permitted to and at any intermediate ports or countries, between the United Kingdom and the limits of the Company's charter, situated in North and South America, excepting His Majesty's colonies and possessions.

By the 57th Geo. 3, c. 95, the trade within the Company's limits was exempt from the operation of the Navigation Laws.

By the 59th Geo. 3, c. 54, American vessels were allowed to clear out from the United Kingdom for India, subject to the same regulations as British built vessels.

By

By the 1st and 2d Geo. 4, trade was allowed to and from any intermediate places between Great Britain and the limits of the Company's charter, and to discharge the whole or any part of their cargoes, and to take other goods on board.

By the 4th Geo. 4, c. 80, vessels were admitted into the trade with India without any limitation in respect of the amount of tonnage.

By the 6th Geo. 4, cap. 110, vessels wholly of the build of British possessions, or territories in Asia belonging to Great Britain, were entitled to registry the same as vessels of the United Kingdom.

The enumeration of the Acts regulating Indian trade, shows that the East India cultivator and trader is not subjected to any restrictions or commercial impediments. He can take supplies necessary for any description of cultivation, from the cheapest market; he can carry that produce where he pleases; and he is exempt from the operation of the Navigation Laws, which so materially enhance the cost of transit of West Indian produce.

XXII.—DIGEST.

RUM, quantity consumed in the United Kingdom:

| | | | | | | | |
|------|---|---|---|---|---|-----------|-------------------|
| 1800 | - | - | - | - | - | 3,049,590 | Imperial gallons. |
| 1829 | - | - | - | - | - | 3,375,866 | — |

Increase, 10 per cent.

BRITISH SPIRITS consumed in the United Kingdom:

| | | | | | | | |
|------|---|---|---|---|---|------------|-------------------|
| 1800 | - | - | - | - | - | 5,386,313 | Imperial gallons. |
| 1829 | - | - | - | - | - | 22,690,270 | — |

Increase, 420 per cent.

Relative Consumption of SPIRITS in the United Kingdom.

| | BRITISH SPIRITS. | RUM. |
|----------------|------------------|-----------------------------|
| England - - - | 7,700,766 | 3,202,143 Imperial gallons. |
| Scotland - - - | 5,777,280 | 152,461 — |
| Ireland - - - | 9,212,224 | 21,262 — |

Parts in 100.

| | England. | Scotland. | Ireland. | United Kingdom. |
|-----------------------|----------|-----------|----------|-----------------|
| British Spirits - - - | 67.6 | 97.43 | 99.77 | 85.73 |
| Rum - - - | 32.94 | 2.57 | .23 | 14.27 |
| £. | 100.0 | 100.0 | 100.0 | 100.0 |

RATES of DUTY (per Imperial Gallon.)

BRITISH SPIRITS.

| | | | | England. | Scotland. | Ireland. | |
|------|---|---|---|----------|-----------------------------------|----------|-------|
| | | | | s. d. | £. s. d. | s. d. | s. d. |
| 1800 | - | - | - | 5 4 | 64 16 4 | 2 4½ | |
| | | | | | { per gallon of still contents. } | | |
| 1801 | - | - | - | - | 3 10½ | 2 10½ | |
| 1803 | - | - | - | 8 -½ | 5 9½ | 3 6½ | 4 1 |
| 1804 | - | - | - | - | - | - | - |
| 1807 | - | - | - | - | 5 9 | - | - |
| 1810 | - | - | - | - | - | 4 1 | 2 6½ |
| 1812 | - | - | - | 10 3 | 8 - | 2 6½ | 5 1½ |
| 1814 | - | - | - | - | - | 5 7½ | - |
| 1815 | - | - | - | - | 9 4½ | - | 6 1½ |
| 1817 | - | - | - | - | 6 2 | 5 7½ | - |
| 1820 | - | - | - | 11 8½ | - | - | - |
| 1823 | - | - | - | - | 2 5 | - | 2 - |
| 1826 | - | - | - | 7 - | 2 10 | 2 10 | - |
| 1830 | - | - | - | 7 6 | 3 4 | 3 4 | - |

RUM.

| | | | | England and Scotland. | Ireland. |
|------|---|---|---|-----------------------|----------|
| | | | | s. d. | s. d. |
| 1800 | - | - | - | 9 -½ | 6 8½ |
| 1801 | - | - | - | 8 10½ | - |
| 1802 | - | - | - | 9 -½ | 6 11½ |
| 1803 | - | - | - | 13 4½ | 8 6½ |
| 1804 | - | - | - | 13 5½ | 9 2½ |
| 1805 | - | - | - | 13 5½ | - |
| 1806 | - | - | - | 13 6½ | - |
| 1808 | - | - | - | - | 10 3½ |
| 1809 | - | - | - | 13 7½ | - |
| 1813 | - | - | - | 13 10½ | 12 10½ |
| 1814 | - | - | - | - | 12 8½ |
| 1819 | - | - | - | 13 11½ | - |
| 1823 | - | - | - | - | 13 11½ |
| 1824 | - | - | - | 12 7½ | 12 7½ |
| 1826 | - | - | - | 8 6 | 8 6 |
| 1830 | - | - | - | 9 - | 9 - |

RESTRICTIONS.

| | | | |
|---|-------|---|-----|
| BRITISH SPIRITS—Operation of corn laws, supposing the | s. d. | - | d. |
| — duty on barley | 7 10 | - | 4 ½ |
| — | 6 4 | - | 3 ½ |
| — | 4 10 | - | 2 ½ |
| RUM—Operation of colonial restrictions, Digest XIV. | - | - | 5 ½ |

| | | | |
|---|----|----|----|
| The cost of producing proof rum, or the proportion of the expenses of cultivation considered to attach to that part of the produce of an article, according to evidence 35, is per gallon | £. | s. | d. |
| Freight, primage and pierage, cask, insurance, landing, and sale charges | - | 1 | 4 |
| | - | 1 | 1 |

| | |
|--|----------|
| Return on capital invested. The estate mentioned in Digest II. produces 9,765 gallons of strong rum, which may be equal to about 13,500 gallons proof rum; the capital of that estate is - - - - - £. 50,732 | £. s. d. |
| One fourth of which is - - - - - | 12,683 |
| On which 10 per cent is - - - - - | 1,268 |
| Which, on 13,500 gallons, is, per gallon - - - - - | 10 ½ |
| Price at which proof rum ought to sell, to give a fair return on capital. | 4 3 ½ |
| It is well known that the British distiller would receive a full profit, barley at 40 s. per quarter, if he sold his proof spirit at - - - - - | 3 - |
| The British distiller, therefore, enjoys a natural protection, even supposing the duties were equalized, of - - - - - £. | 1 3 ½ |

XXIII.—DIGEST.

Comparison of Restrictions under the old Colonial System, with those introduced by the Act 6th Geo. 4, c. 116.

IMPORTS.

| American Articles : | | | | American Articles : | | | |
|-----------------------------|---|---|------------|--------------------------|------------|---|----------------|
| Old System. | | | | New System. | | | |
| Fish - - - - - | - | - | prohibited | Fish - - - - - | - | - | prohibited |
| Red oak staves - - - - - | - | - | free | Red oak staves - - - - - | 15 s. | - | per 1,000 |
| White ditto - - - - - | - | - | - | - - - - - | 12 s. 6 d. | - | per ditto |
| Lumber - - - - - | - | - | - | - - - - - | 21 s. | - | per 1,000 feet |
| Shingles - - - - - | - | - | - | - - - - - | 7 s. | - | per 1,000 |
| - - - - - | - | - | - | - - - - - | 14 s. | - | ditto |
| Tobacco - - - - - | - | - | - | - - - - - | 20 s. | - | per cent. |
| Flour - - - - - | - | - | - | - - - - - | 5 s. | - | per barrel |
| Pitch, tar - - - - - | - | - | - | - - - - - | 7 ½ | - | per cent. |
| Horses and cattle - - - - - | - | - | - | - - - - - | 10 | - | per cent. |

| European Articles : | | | | European Articles : | | | |
|----------------------------|---|---|------------|---------------------|---|---|---|
| Old System. | | | | New System. | | | |
| Tea, - - - - - | - | - | prohibited | prohibited. | - | - | - |
| Ammunition - - - - - | - | - | - | - | - | - | - |
| Arms - - - - - | - | - | - | - | - | - | - |
| Apparel - - - - - | - | - | - | - | - | - | - |
| Linens - - - - - | - | - | - | - | - | - | - |
| Iron Ware - - - - - | - | - | - | - | - | - | - |
| Steel and copper | - | - | - | - | - | - | - |
| Manufacture - - - - - | - | - | - | - | - | - | - |
| Wire - - - - - | - | - | - | - | - | - | - |
| Clocks - - - - - | - | - | - | - | - | - | - |
| Watches - - - - - | - | - | - | - | - | - | - |
| Leather - - - - - | - | - | - | - | - | - | - |
| Saddlery - - - - - | - | - | - | - | - | - | - |
| Hosiery and lace - - - - - | - | - | - | - | - | - | - |
| Silk - - - - - | - | - | - | - | - | - | - |
| Stationery - - - - - | - | - | - | - | - | - | - |

| Old System. | | | | New System. | |
|--------------------------|---|---|------------|-------------|---------------------------------------|
| Cottons | - | - | prohibited | } | duty 20 per cent. <i>ad valorem</i> . |
| Glass ware | - | - | — | | |
| Soap | - | - | — | | |
| Candles | - | - | — | | |
| Woollens | - | - | — | } | duty 15 per cent. ditto. |
| Paints | - | - | — | | |
| Oils | - | - | — | | |
| Miscellaneous enumerated | - | - | — | | |
| Perfumery | - | - | — | } | duty 7 $\frac{1}{2}$ per cent. ditto. |
| Jewellery | - | - | — | | |
| Medicines | - | - | — | | |
| Beef | - | - | — | } | duty 12 s. per cwt. |
| Pork | - | - | — | | |
| Beer | - | - | — | } | duty 15 per cent. <i>ad valorem</i> . |
| Lard | - | - | — | | |
| Butter | - | - | — | | |
| Cheese | - | - | — | | |
| Furniture | - | - | — | | |
| Rosin | - | - | — | | |
| Hops | - | - | — | | |

EXPORTS :

| Old System. | | | | New System. | |
|---|---|---|---|-------------|---|
| Sugar | - | - | - | } | All the produce of the Colonies may be exported to any foreign state, which will put the shipping of Great Britain on the footing of the most favoured nations. |
| Molasses | - | - | - | | |
| Coffee | - | - | - | | |
| Ginger | - | - | - | | |
| Pimento | - | - | - | | |
| Cocoa nuts | - | - | - | | |
| Permitted to be sent from the West Indies to the United States in British ships, but not permitted to be sent to any part of Europe, but through Great Britain, and in British ships. | | | | | |

| | |
|---|--------|
| Previously to the commencement of the operation of the new system, the salaries and incidents for the custom-house establishments amounted to about | £. |
| The expenses of establishments by the new system, according to Digest VII. are | 17,375 |
| It thus appears that the new system has imposed an additional expense of | 68,028 |
| | 50,653 |

It ought further to be observed, that the new system has not altered any of the engagements, mercantile connexions, or peculiar channels of trade which were reared and cemented under the old system. The mode of transacting business between planter and factor, at the present time, is precisely similar to what existed a number of years ago; and as the alterations of the law itself merely substituted fresh restrictive duties for positive prohibition, it may be affirmed that our colonial policy, so far as the colonist is concerned, remains unchanged.

Sir,

95, Eaton-square, 30th October 1830.

AS the statements contained in my letter of the 6th instant, and the calculations founded on them, have been made on no exaggerated view of the subject, but rather upon a very moderate estimate, I have no doubt that such evidence as may hereafter be offered by the West India body, or which may be called for by the Board of Trade, will fully establish the extent of the calculations which have been made.

At a conference which took place between a deputation of the West India body, and the President and Vice-President of the Board of Trade, on the 5th of June,

June, it was intimated by Mr. Herries, "that the Government were prepared to enter into an investigation of the commercial, financial, and political state of the West India Colonies; in the course of which they invited the West India body to furnish them with any documentary or oral evidence which they might deem it necessary to produce. That Mr. Douglas was expected to proceed in making out his case before the Committee of Trade, in the same manner that he would be required to do if a Committee of the House of Commons had been appointed on his motion to investigate the subject."

It would be a very arduous, if not impossible task, to exhibit the various points of this question in a way to obtain the unanimous concurrence of all parties interested: I am therefore very much relieved in the discharge of my duty, by the intimation of Mr. Herries, for I have now merely to state what I consider to be the causes of the great embarrassment of the colonists, and the remedies which are calculated to remove it, other parties being at full liberty to offer such further explanations as may appear to them to be necessary. By bringing the whole subject, however, in the first instance, into one view, I expect to afford much facility in coming to a correct conclusion upon the whole case.

From an attentive perusal of the voluminous documents which I have submitted to the Committee of Privy Council for Trade and Plantations, it must be perfectly manifest that the West India distress arises from causes that are quite out of the control of the colonists themselves; and that it is not of that description which can operate its own cure, independently of assistance from the imperial legislature.

At the peace in 1815, Great Britain thought proper to retain many of the West India conquests made during the war; a large portion of capital was then directed to those Colonies; great enterprise was evinced in extending and improving their cultivation, under sanguine expectations of success, founded upon the general opinion entertained of the great eminence which this country had attained as a colonial power; and the result necessarily led to a vastly increased production of colonial articles, much beyond what was requisite for our domestic consumption; and, consequently, a great portion of our colonial produce was dependent on the Continental markets of Europe for sale. This surplus was further increased by the recent admission of sugar from the Mauritius into the home market, in quantities greatly exceeding any estimate that had been formed prior to its admission.

For some time after the peace, it was not anticipated that our colonists would encounter much injurious rivalry in the sale of their extra productions in the Continental markets; or that Foreign states would surpass the British Government in anxiety and zeal to promote the welfare of their respective Colonies.

The documents submitted to the Board of Trade prove how completely contrary has been the operation; and how lamentable have been the consequences to the British planter. He naturally thought that priority in the settling of his plantation gave him many advantages; that he had superior capital and skill at command, that his property was more secure; and that from the services which Great Britain had performed to the Continent of Europe, his produce would be unrestrictedly admitted into all the foreign markets. But the result has been very different! Our refined sugar is excluded from those places in which it could be sold on the most favourable terms; the surplus of British sugars has been augmented; and foreign cultivation by means of the continuance of the slave trade, has increased in a degree unparalleled in colonial history.

It appears from the evidence transmitted, that our sugar planters have no remedy against this increasing competition; their plantations cannot be reduced in number without a positive destruction of capital; the buildings, machinery, and works, are applicable to no other purpose than that for which they were erected; and the lands employed in raising the sugar cane are, in general, unfit for any other cultivation with profit to the owner.

It also appears, that if a planter should diminish his cultivation of sugar, such diminution would not be attended by any material reduction of expense, because, in such event, the charge for the usual island taxes, salaries, medical attendance on the Negroes, food, clothing, &c., would not be lessened; and the articles supplied to his plantation, from Europe and America, would not be diminished in any very essential degree.

It is evident, from the investigation I have entered into in my previous letter, that the overwhelming difficulties of the British planter are chiefly to be attributed to the colonial restrictions and other burthens which the colonial policy of this

country has imposed on him, and for which, under the altered state of the commerce of the world, of late years, he now derives no adequate compensation.

To adjust the inequalities thus created, appears to me to be, to furnish many of the natural remedies for the case; and if they be adjusted, I have every reason to think that the distress which is so widely spread, will gradually disappear.

These remedies may be classed in the following order:

1st. To reduce the duty on sugar, in this country, to such reasonable amount as is adapted to the altered state of prices; that it may thereby be brought into increased consumption, augmenting the commerce of the country, and, at the same time, making the British planter less dependent on sales in foreign markets.

2ndly. To grant to the British planter such regulating duties, and other assistance, as will fairly compensate him for the restrictions which our colonial policy imposes to benefit various interests situated in different parts of the Empire, at the expense of our West Indian Colonies.

3rdly. To insist that British refined sugar be admitted into those countries of Europe where our commercial relations entitle us to fair consideration, and where its admission is now unjustly restricted, on the same terms as sugar of similar quality the produce of Brazil and Cuba.

4thly. To reduce the duty on rum in England, Scotland and Ireland; and to equalize it to the rate of duty on corn-spirits in those respective portions of the United Kingdom.

5thly. To adopt more decisive measures than any that have hitherto been employed to stop the foreign slave trade; on the effectual suppression of which the prosperity of the British West India Colonies, and the consequent success of the measures of amelioration now in progress in them, ultimately depend.

On the first head it may be observed, that the extent of the duties on sugar is not regulated by any principle advantageous to the interests of commerce.

At the peace, the extent of supply was so limited as to occasion an average price of 64 *s. 9 d.*, exclusive of duty, which was then 30 *s.* Since that period the application of additional labour has extended cultivation, and augmented the supply so as to lower the average price to 24 *s. 10 d.* per cwt.; and notwithstanding the necessity that is created of reducing the duty to widen the channels of consumption for such increased supply, it has been continued till within the last few months at 27 *s.* per cwt., and it is now 24 *s.* If freight and sale charges, 8 *s.*, 6 *d.*, be deducted from the average quality of sugar, according to the statements exhibited, the net amount which the planter realizes will be found not to exceed 16 *s. 4 d.*, which at the present duty of 24 *s.* is a charge of 147 per cent.

It is, I should hope, needless, at the present time, to enter into any explanations respecting the injurious consequences which so oppressive a duty has in limiting commercial transactions. Independently of the heavy duty itself, and the risk of loss to which the planter is exposed by being obliged to advance it when he sells his sugar, a variety of charges are created, the unavoidable effect of which is to increase the cost to the consumer, and lessen the net proceeds to the planter.

The effects of a reduction of duty on articles of extensive consumption, and the consequent influence on the commerce and revenue of the country, may be exemplified in the following instances:—On British spirits, the consumption in 1825, at a duty of 12 *s. 8 ½ d.* per gallon, was 3,443,553 gallons, and the revenue amounted to 2,055,027 *l.* Last year, at the reduced duty of 7 *s.*, the consumption was 7,700,766, yielding a revenue of 2,695,268 *l.* On coffee, the quantity consumed in 1824 was 8,150,900, at a duty of 1 *s.* the lb., the revenue amounted to 407,545 *l.*; and last year, in consequence of the beneficial operation of a reduction of duty at 6 *d.*, the quantity consumed reached 18,916,551 lbs., yielding the largest revenue that had ever been obtained from this article. On sugar, also, it will appear, by a reference to Evidence No. IV, that the consumption has uniformly been the greatest when the price has been low. In the present year, when prices have been unusually depressed, it is ascertained that the consumption has materially increased, so much so, as to leave little doubt that at the expiration of the year the revenue will be undiminished, notwithstanding the reduction of duty of 3 *s.* per cwt. in July last. It is therefore evident that a further reduction of duty, affording scope for still lower prices, will lead to a greatly increased consumption; and I should propose that the future duty on British plantation sugar should be two-thirds of the present rate, or 16 *s.* per cwt., which is still equal to nearly 100 per cent. upon the price realized by the planter. It appears to me that a higher rate of duty than this cannot be levied, if fair consideration be given to the commercial interests

interests of the country, the basis on which its prosperity and revenue must ultimately depend.

By this abatement of duty moderate and steady prices would be established, the pressure on the planter would be diminished, and the necessarily enlarged consumption would soon absorb the entire produce of the British colonies.

Under the second head, it becomes necessary to consider the regulations that are required to place all persons concerned in the sugar trade of this country on a fair and equitable footing. On reference to Digest No. XVI. exhibiting the extent of the restrictions imposed on the colonial trade, it appears that the amount of these restrictions affecting the West India Colonies are equivalent to 5 s. 6 $\frac{1}{2}$ d. the cwt. of sugar. It also appears by a subsequent paper that none of these restrictions are applicable to East India sugar. I therefore conceive that this distinct burthen to which colonial sugar is subject is one necessary consideration in adjusting the amount of that regulating duty which ought to be imposed on East India sugar. On the same principle it must be considered in determining the drawback on all sugar coming from our possessions in the West Indies and from India exported from this country.

It has always been the policy of Great Britain to give a drawback on the exportation of every manufactured article equivalent to the duties paid, whether on importation or in the process of manufacture. According to this principle, in the production of sugar in the West India Colonies various charges have been imposed to benefit other interests; it is therefore necessary that the drawback on sugar should be regulated by a fair computation of those charges, otherwise the British planter cannot bring his sugar into the markets of the Continent on equal terms with his competitors, for whether his money is expended in duties or restrictions an equivalent for that expenditure must in justice be afforded to him.

The embarrassment that arises in the minds of many persons who consider this question is likely to be much diminished when the operation of the reduced duty enables the home consumers to absorb the entire production of the British Colonies; for then the drawback of the higher rate of duty will not operate in regard to West India sugar, but will be considered as simply applicable to the increased supplies from India.

In reference to the commercial arrangements with foreign powers, enumerated under the third head, it appears by Evidence, Nos. 5, 6, 7, that in Austria and Russia, especially in the latter country, British crushed sugar is virtually prohibited, while clayed Havannah sugar is admitted, and forms the greater portion of the consumption of these countries.

By the evidence of Mr. Stouder, it appears that in Cuba clayed sugar is, previously to its preparation for shipment, made into loaves; and therefore the process is the same as that pursued by the British refiners in manufacturing crushed sugars. The injustice of the policy of Russia in excluding this article is very notorious. We are trading on a similar footing in all articles with Russia, the Hanse Towns, and Prussia; yet Prussia and the Hanse Towns receive our sugars on the same terms as those of other countries, whereas Russia excludes them. By this exclusion the commerce of this country is not only unjustly impeded, but the slave trade in Cuba and Brazil is fostered and encouraged. It is hardly to be doubted that if Russia is made fairly aware of the just right of this country to impose retaliatory duties upon her produce, her government may come to a proper sense of the injustice of its commercial policy towards us.

In regard to rum, which is the subject of the fourth head, the inequality of the duty in different parts of the United Kingdom, and the undue extent of the distinctive rates between it and British spirits, are so clearly established in Digest No. XXII. that I have merely to refer to it to prove the necessity of making the altered arrangements that are there pointed out.

The remaining or fifth head—the suppression of the slave trade, is a question on which the good faith of this and of every other country of Europe has so long been solemnly pledged, that it is lamentable to consider how little real progress has been made towards its effectual abolition. Hopes appear to be generally entertained at the present juncture that there are circumstances which, if diligently pursued, might establish an international law declaring it piracy. The West India body can see no permanent alleviation of the difficulties of their situation till this measure is accomplished; and I deem it almost unnecessary to observe, with reference to the improvement of the state of society in the West Indies, that if ever this desirable object could be carried into effect, the condition of the whole popula-

tion of the slave colonies would be greatly benefited by it; many measures of amelioration would be introduced which can hardly be contemplated at present; much additional security would be given to property; and the whole scale of society would be greatly advanced.

By Digest No. XIX. it appears that the disproportionate competition of labour in our colonies, compared with those of Cuba and Brazil, is so great, in consequence of the continued slave trade to the latter countries, that until it is abolished the greatest difficulty exists in forming any estimate on which a scheme could be devised for bringing their sugar into the market of this country. I therefore consider it unnecessary to offer any suggestions on that part of the case.

There are several minor matters that I might advert to, but I think that they will be more conveniently embraced on the sequel of the inquiry. I shall therefore, in conclusion, only observe, that if the distressed state of the West India Colonies does not undergo the most decided consideration of His Majesty's Government with a view to practical measures of relief, it appears to me evident that in a very short period the industry of a great portion of them must be annihilated, from the inability of the planters to continue their cultivation; those measures of amelioration which the legislature have recommended will be defeated; inducements for the continuation of the foreign slave trade will be stimulated, and one of the most steady and advantageous branches of trade which this country has reared and long enjoyed will be transferred to foreign states.

I have the honour to be, Sir,

Your most obedient servant,

Thomas Lack, Esq. }
Board of Trade. }

W. R. K. Douglas.

Office of Committee of Privy Council for Trade,
Whitehall, November 12, 1830.

Sir,

THE Lords of the Committee of Privy Council for Trade and Plantations having now received from you (as they presume) all the documentary evidence which you propose to offer in support of your view of the case of the West India Colonies, in reference to the General Inquiry at present in progress before this Committee, it has occurred to their Lordships that it might be agreeable to the parties interested if an opportunity were now afforded them of producing such further evidence in support of the case as may be more conveniently brought forward by personal communication. The Lords of the Committee have thereupon directed me to inform you, that if this should be the wish of the gentlemen who are interested in the inquiry, their Lordships will be ready to fix an early day for receiving a deputation from the West India body for that purpose.

I have the honour to be, Sir,

Your most obedient humble servant,

W. R. K. Douglas, Esq. &c. &c.

Thomas Lack.

—No. 1.—

AT a Meeting of the Committee of West India Planters and Merchants, held the
1st December 1830,

W. R. Keith Douglas, Esq. M. P. in the Chair,

IT was resolved, that the undermentioned items in the proposed scale of duties on American supplies (as set forth in the Bill now passing through the House of Commons) appear to this meeting objectionable for the following reasons:

Wheat :—There is no apparent cause for the increase from 1s. to 1s. 2d.

Wheat-Flour :—No apparent cause for the increase to 6s.

Shingles :—The only good shingles being made from cedar and cypress, the produce of the Southern States of America, should be allowed to come in at the old duty; the other shingles, the growth of the Northern provinces, being very inferior and scarcely fit for use, the prime cost of the large shingles being 16s., the proposed duty appears excessive.

Staves and Heading, Wood Hoops, Pitch Pine Lumber :—This Committee can see no reason for the increase of duty.

That

That even for a continuance of the existing duties the West India Colonists are clearly entitled to relief, from the duties now levied on their produce when imported into the Northern Colonies, whilst the products of those Colonies are received into the West Indies duty free.

Mem.—Subsequently to the change of Administration several interviews between the deputation from the West India body and the Lords of the Committee of Privy Council for Trade, took place, and the following additional explanations were offered.

—No. 2.—

AT a Meeting of the Standing Committee of West India Planters and Merchants, held at the West India Committee Rooms, 60, St. James's-street, on Wednesday, the 8th December 1830;

W. R. Keith Douglas, Esq. M. P. in the Chair.

IT was unanimously resolved, That a representation should be made without delay to His Majesty's Ministers, in order that they may be clearly apprised of the pressure under which those interested in the West India Colonies labour at the present moment; and that His Majesty's Ministers may, by an explicit avowal of their plans and intentions, relieve this body from that state of uncertainty as to their future prospects which adds materially to their existing state of embarrassment.

That it is the opinion of this meeting, an opinion formed after mature deliberation and inquiry, that considerable relief would be given to the West India colonist by a large reduction of the present duty on sugar.

That the reduction afforded in the last Session of Parliament was far less in amount than was sought for, and has proved, as was anticipated, totally inadequate for the relief of the colonist.

That the amount of the duties on sugar is not regulated by any principle advantageous to the interests of commerce or favourable to the comforts of the people, as it keeps the prices beyond the means of an extended class of consumers.

That since the peace the supply of sugar has, owing to circumstances, been such as to lower the average price to 24 s. 10 d. per cwt., and notwithstanding the necessity that exists of reducing the duty in order to widen the channels of consumption for such increased supply, the duty has been continued till within the last few months at 27 s. per cwt., and it is now 24 s. If the freight and sale charges, amounting to 8 s. 6 d. be deducted from the average price of sugar, the amount which the planter realizes will be found not to exceed 16 s. 4 d. (on this sum the present duty of 24 s. is a charge of 147 per cent.) and out of it all the costs of production and manufacture must be paid, which have been computed, on extensive average of actual accounts, to be not less than 15 s. 10 d. per cwt.

That as experience has proved that consumption has uniformly been the greatest when the price has been low, a reduction in the duty on sugar to such amount as would insure both to the grower and consumer of the article a participation in the relief, would inevitably not only increase the consumption of sugar but also of many other taxed articles, particularly tea and coffee; and render all these articles far more generally used by the lower orders in England and Ireland than they have been or can be at this moment.

That in adjusting the distinctive duties to be imposed upon the sugars of the West India Colonies and of the East Indies, this body confidently relies that the different circumstances of production in those countries and the extent of the restrictions imposed on colonial trade will be duly considered.

That in regulating the duties on import and the *drawbacks on export of sugar* reference should be had and due consideration given to the amount paid by the West India colonists in the shape of restrictions and protecting duties for the benefit of other interests of the empire.

That in regard to rum, another staple article of West India produce, the undue extent and inequality of the distinctive rates between this article and British spirits in the different parts of the empire (being 1 s. 6 d. per gallon in England and 5 s. 8 d. in Scotland and Ireland) render it essential that an equalization of the respective duties on rum and British spirits should be made, in order that rum may be admitted on terms of fair competition in all the markets of the United Kingdom.

That time and experience have proved how completely the British West India planter has been disappointed in his well-founded expectations that his produce would be admitted into all foreign markets. Our refined sugar being excluded from those places in which it could be sold on the most favourable terms, the difficulty of disposing of the surplus of British sugars has been augmented; and foreign cultivation, by means of the continuance of the slave trade, has increased to an unparalleled extent.

That this continuance of the foreign slave trade, notwithstanding the unwearied exertions and the countless sacrifices on the part of this country to abolish the traffic, is a circumstance which has greatly increased the distresses of the colonies.

To mark the feelings of His Majesty's Government on this important subject some decisive steps are requisite, and this meeting therefore submits to His Majesty's Ministers that the produce of those Colonies in which that trade practically continues ought not in any respect to be encouraged by this country.

That the present duty on coffee of 6 *d.* per lb., being upwards of 130 per cent. upon the average sale price of the article, calls for considerable reduction. That coffee is a nutritious beverage, and a favourable article with the lower classes; that it is easily and extensively adulterated, and that a reduction of duty is the most effectual means to prevent that adulteration, and at the same time to extend its consumption.

It was unanimously resolved, that the Marquis of Chandos be requested to transmit the foregoing Resolutions to the First Lord of the Treasury, the Secretary of State for the Colonies, the Chancellor of the Exchequer, and the President of the Board of Trade, with a request to Earl Grey for an interview with a small deputation.

— No 3. —

AT a Meeting of the Standing Committee of West India Planters and Merchants, held at the West India Committee Rooms, 60, St. James's Street, on the 29th December 1830,

W. R. Keith Douglas, Esq., M. P., in the Chair.

It was unanimously Resolved,

I. THAT the statements and calculations submitted by Mr. Douglas to the Board of Trade be adopted by this Committee as the basis of the pending investigation; it being understood that this Committee is at full liberty to bring forward, from time to time, such further evidence, documentary or oral, as may be required, in order more fully to substantiate their case.

II. That in the opinion of this Committee a comparison of the average cost of production and sale charges of sugar and rum, with the present average prices, will clearly prove the extreme and urgent distress of the British planter.

III. That an examination into the degree in which the prices of American supplies, European manufactures, and freights, are enhanced to the British planter, compared with the rate and mode in which the planter of Cuba and Brazil obtains his supplies, will exhibit the increased cost of production occasioned by the colonial system, a system which was established and is continued by the mother country for her own interests, or those of other possessions of the Crown. The mere alteration of the law (if that could be effected without injury to the shipping and other interests which have grown up under the system) would not now afford either immediate or essential relief to the planter; but in the opinion of this Committee, the burden should not rest entirely on the West India Colonies, and it forms a just ground of consideration in regulating the drawbacks, so as to enable, in some degree, the British planter to meet the foreigner, in the foreign market, with his surplus produce.

IV. That an examination into the comparative situation of the British and Foreign planter, as arising out of the abolition of the slave trade by this country, and its practical continuance by Cuba, Brazil, and other foreign countries, will exhibit the disadvantages under which the British planter labours whilst he must depend upon the foreign market for the sale of a considerable portion of his produce.

V. That in the opinion of this Committee the remedies for the evils under which the colonies now labour will be found,—

1. In

1. In such a reduction of the present duty on sugar as will bring its use within the means of an extended class of consumers, thereby augmenting the comfort of the people, and the commerce of the country, and after a short period of time relieving the planter from his present dependance on the foreign market for the sale of a considerable portion of his produce.

2. In a just and equitable regulation of the distinctive duty on East India sugar, founded on the enhancement of the cost to the British planter by the colonial system, from which the East Indies are totally exempted on that consideration or preference which has been held to be due to the productions of colonies owned by British capital, and cultivated by British industry, over those of other possessions of the Crown, and on the important circumstance that the inhabitants of the East Indies need not, and does not, cultivate sugar for export, except when the prices are remunerating, whereas the West India planter must continue to cultivate sugar or abandon his plantation at the sacrifice of the whole capital.

3. In such a regulation of the drawback on the exportation of refined sugar as will make it equivalent to what the planter has paid, partly in duty, and partly in restrictions and protections, secured to the shipping, manufacturing, and other interests of the mother country and its possessions.

4. In the adoption of decisive measures for the practical as well as the legal abolition of the slave trade by foreign countries. If this country was enabled to consume the whole importation of British plantation sugar, a powerful inducement might be held out to Cuba and Brazil to declare the slave trade piracy, by making this admission of their sugar to be refined here for export conditional upon such a declaration.

5. In discontinuing the permission for the sugars of foreign and slave-trading countries to be refined for export. When the state of prices and markets allows the refiner to make use of this permission, it operates injuriously to the British planter, by forestalling and occupying a portion of the limited market open to him for the sale of his surplus, and has a general tendency to depress prices in the home market.

6. In the adoption of retaliatory or other proper measures to induce foreign countries to admit British refined crushed sugars on the same terms as they admit the sugars of Brazil and Cuba, which, in fact, undergo the same process of partial refining.

7. In the equalization of the duties on rum and corn-spirits, as it can be shown, that a restrictive duty on rum is not required for the protection of corn-spirits in the home market.

8. In a reduction of the duties on coffee and cocoa, which articles are at present much depressed, with the view of extending their consumption.

VI. That other remedial measures might be suggested, which it is understood this Committee may bring forward in the course of the investigation, as may be deemed expedient.

It was resolved unanimously, That the foregoing Resolutions be transmitted to the President of the Board of Trade, with an intimation that a deputation from the Standing Committee will attend at the Board of Trade, either on Saturday next, at the hour agreed upon, or on such other day as the President of the Board of Trade may appoint.

— No. 4. —

West India Committee Rooms, 60, St. James's Street,

Sir,

19th January 1831.

I HAVE had the honour to receive your letter of the 12th January 1831, and I have now to inclose, for the information of the Lords of the Committee of Privy Council for Trade, a Statement, and explanations prepared by the gentlemen who attended the meeting of the 8th, upon the several points upon which their Lordships required further evidence. N^o 5, (with App^s 1, 2, & 3,) & N^o 6.

From the magnitude of Jamaica, and the extent of its interests, it has been deemed expedient to submit to you a separate paper on the first head of inquiry, and in which you will find several of the observations in the Statement set forth in greater detail.

I am also requested to inclose a Statement respecting Cocoa.

I have, &c. &c.

Thomas Lack, Esq.
&c. &c. &c.

(signed) *W. R. K. Douglas.*

19th January 1831.

STATEMENTS and Explanations respectfully offered upon the several points on which the Lords of the Committee of Privy Council for Trade desire to receive further information, as expressed in Mr. Lack's Letter of the 12th instant to Mr. Keith Douglas.

THE case of distress of the British West India colonists having been admitted, and its main causes having been already explained, the following observations are submitted, in reply to the several points of inquiry :

Inquiry I.—“ A case of distress having been admitted, their lordships wish to receive such additional statements as may enable them more clearly to judge of the circumstances in which the West India Colonies, and those connected with them, would be placed in case the measures of relief which have been suggested be not adopted ; or, being adopted, should fail in their effect.”

In considering the probable situation of the West India Colonies, under the circumstances here supposed, it must be understood that, unprofitable as sugar cultivation has become, it does not appear that there is any other cultivation to which industry can now be beneficially directed. The labour heretofore employed in raising indigo, cocoa, and cotton, has been successively transferred to sugar ; and a great proportion of that employed in the cultivation of coffee has been and is in progress of being similarly transferred.

It is therefore hopeless to look for relief in any change of cultivation.

If no relief be given, or if the relief which may be given be insufficient, there can be no doubt that ultimately the cultivation of sugar in the British Colonies must be extinguished to an extent which will reduce its importation into this country to that amount at which prices will become high enough to enable the proprietors, who survive such a grinding process of ruin, to continue their cultivation.

It will be found by a reference to consumption and prices during past years, that it would require the extinction of one-fourth of the present cultivation in the British Colonies to bring the prices up to the required point ; and in forming this estimate it should not be forgotten that the great excitement to cultivation in the Mauritius, given by the admission of sugars at plantation duty, may not yet have reached its maximum.

The calamity would not be limited to the extinction of one-fourth of the property in the British West India Colonies, and to the absolute ruin and beggary of the numerous families dependent upon that portion of property, but during the progress of this ruin, and before it could be accomplished so as to raise prices and to improve the situation of the survivors, the whole of the colonists must be suffering the greatest misery and distress. Every one would cling to his property in the hope, and for the chance of surviving the struggle ; and it is probable that in the course of it the whole property would be forced to sale, and change hands oftener than once, until it became unsaleable at any price.

It is to be remembered, that this destruction of even one-fourth of the colonies must be attended by the loss of employment of one-fourth of the shipping now employed, and loss of market for more than one-fourth of the manufactures and other articles now exported for the use of the plantations, as, during the continued depression, the proprietors could not support their slaves on the scale on which they have hitherto supplied them.

The small estates, and those least favourably situated as to soil, seasons, and other circumstances that affect the cost of production, would be first abandoned.

For some years past, and particularly during the last two years, a very considerable portion of the cultivation has been carried on without profit ; and in many cases by the outlay of additional capital, in the expectation that relief must be obtained. If the proprietors are deprived of all hope, many estates must be at once abandoned, and very little, if anything, would be recovered from the wreck, as purchasers could not be found for the slaves, cattle, and moveable part of the property, except to a limited extent, and at extremely low prices.

This process of ruin would operate differently in different colonies.

In some of the small islands, where there is not any great difference in the cost of cultivation of different estates, and where, from drought and other circumstances, the general cost of cultivation is higher than the average of the West Indies collectively, the ruin would be general. Consequently so many estates would be abandoned, that it would not only become impossible to sell the slaves, or any part of

of the property ; but so few, if any, estates could be continued in cultivation, that taxes could not be raised sufficient to carry on the local government. The whole frame of society and government would dissolve, and those colonies be totally abandoned by the white population. In this case they would become, what they were before they were settled, nests of buccaneers and pirates ; for though the negroes might raise provisions for themselves, yet they could not procure clothing, tools, and other necessaries, without some such resources as piracy would yield. In those colonies subject to seasons of excessive drought, in which at present the slaves are necessarily supplied by imported provisions, the negroes, if left to themselves, would suffer extreme distress, as it is not to be supposed that they could cultivate articles of export to pay for provisions, when the white people, with capital, intelligence, and systematic application of labour, are unable to carry on any profitable cultivation.

In other islands where the ruin might not be so universal, there would still be so many estates abandoned that it is impossible to calculate the extent of the difficulty of maintaining the peace and the government of the colony. Purchasers could not be found for the slaves belonging to the abandoned estates ; and being left without control or protection they would become idle and dangerous.

In the large colony of Jamaica the results would probably be different in different districts of the island. Though the law permits the removal of slaves from one part of the island to another, yet it is found that the slaves are so unwilling to remove to a distance, that in districts where cultivation has become generally unprofitable the price of slaves is much lower than in others where the soil and situation are favourable. No person will purchase slaves when he finds that they are unwilling to move to his estate, as if forced to do so they become unhappy and discontented, are troublesome to manage, and it is difficult or impossible to procure from them a fair portion of labour. There might therefore arise very serious difficulties and danger if it became necessary either to compel such removals (supposing purchasers could under such circumstances be found), or to leave the slaves without any useful employment to become a nuisance and a source of danger to the adjoining plantations.

The small coffee planters are the first who have suffered ; many of them are men formerly overseers on estates, who have embarked all their savings in settling coffee plantations out of the woods in the interior, and who, living on their own properties, form the most desirable class of inhabitants, and are the strength of the militia ; these are nearly all ruined. The continuance of the slave trade by foreign colonies has led to so great an increase in the growth of coffee, that British plantation ordinary coffee, which used to yield from 25 *l.* to 30 *l.* per cask, now only nets from 8 *l.* to 10 *l.* Some of these properties have been abandoned, and the Negroes sold at very low rates to those possessing sugar estates. Others are still in possession of the cultivators on sufferance of their creditors ; but unless a considerable improvement soon take place, the Negroes must be brought to sale, and removed to sugar estates, which will tend still further to increase the production, and consequently the distress of the sugar planter.

The gradual abandonment of all the small properties, and the concentration of the slaves on the large sugar estates of the best soils (which must take place in the case supposed) would, in Jamaica, be attended with very considerable danger to the safety of the colony, extensive districts now in cultivation would soon become wilderness, and dangerous associations of runaway slaves and vagrants of all kinds would be formed. There would be many fewer white people employed in superintending the cultivation, and the most valuable part of the white population, the resident small proprietors, would be lost. There would be little internal trade, consequently great distress would fall upon the free coloured population occupied in that business ; and many of the white merchants with their establishments, would withdraw from the island. The difficulty and expense of government would be greatly increased, and the enhanced taxes would have to be levied from a diminished property.

If slaves were removed to those colonies where there is an extent of rich land uncultivated, the result would be an increase in the production of sugar, and so far an aggravation of the present evil to the general West India interest, by increasing the surplus which is met in the foreign market by the competition of sugar produced by the slave trade. But there appears to be little reason to doubt that the adoption of the remedies suggested would answer the end of keeping the great bulk of the industry of the colonies alive ; it is in every point of view most just to follow this course, and then the temptation to remove any portion of the slaves would be limited to a comparatively small number.

This country cannot expect to improve the condition of its slave population, and at the same time obtain its supply of sugar at as cheap a rate as it can be raised at in countries which carry on the slave trade, and obtain slaves at prices not exceeding one fourth of the expense of rearing slaves at the present time in the British colonies. The truly important object of improving the condition of the slave population in the British Colonies is therefore quite incompatible with any expectation of keeping the price of sugar in this country as low as it will be supplied to the Continent of Europe by Cuba and Brazil, so long as those countries carry on a slave trade, and for some years after it may be effectually abolished or practically cease.

Inquiry II.—“ Their Lordships wished to receive further explanations upon the observation made on the part of the Deputation, That the present amount of revenue from sugar could not be maintained, even if the duties were not reduced.”

On this head it may be sufficient to observe, that, as has been already shown, the present consumption of sugar in this country cannot be maintained, unless the present low gross price be continued. This low gross price, whilst the present rate of duty is exacted, cannot be continued without involving the destruction of the British West India Colonies. If they were to be destroyed, prices would rise, as happened on the destruction of St. Domingo, and the consumption and the revenue would inevitably diminish in proportion.

It may be observed, that any inconvenience that might arise from a diminution of revenue, cannot be considered as a valid reason for continuing a scale of tax which involves the ruin of the producer, more especially when he is a subject of the same country.

Inquiry III.—“ A statement of the manner in which the West India body conceive that the admission of foreign sugars to be refined for exportation is injurious to their interests.”

On this point it may, in the first place be observed, that after the peace, it was natural to expect a considerable decline in the export trade of refined sugar; but that decline does not furnish any just ground for the admission of foreign sugars into the British refineries.

In an ordinary state of things, and when the commerce of Europe is conducted through the natural channel, this country cannot hope to make itself the general market for the sugar of the world, or to possess a carrying trade in refined sugar, that is, to import raw sugar from foreign countries, refine it in this country, and then export it to the Continent of Europe for sale. There are no advantages in Great Britain equivalent to the accumulated charges which would necessarily be occasioned by this circuitous commerce. The greater capital, the superior skill, and the advantages in respect to fuel, which the British refiner is alleged to possess, are not such as to warrant the conclusion that he could pay those additional charges, and supplant the foreigner who received his sugar direct from the place of its production.

The successful establishment of many extensive manufactories on the Continent is a sufficient proof that there is no deficiency of capital when a suitable occasion presents itself for investment. The superior skill of the refiners of Great Britain must be deemed very doubtful, when the fact is considered, that many of our refiners, and almost all the workmen they employ, are Germans. As to fuel, any advantages in that respect are fully balanced by the higher wages and other charges which are paid in Great Britain.

Under these circumstances, a carrying trade of foreign sugar, refined for export, can only be maintained by such a depression in the price of sugar in the British market, compared with the prices on the Continent, as will be equivalent to the extra charges of transit.

The export of refined sugar may be thus classified :

1. Refined sugar exported to places under the commercial control of Great Britain.
2. Refined sugar exported to countries where it is freely admitted.
3. Refined sugar exported to countries where it is subjected to import duties, or where it is placed on a less advantageous footing than sugar refined within those countries.

It is known that a portion of our export is constrained to be shipped to places coming under the *third* class; and this circumstance sufficiently proves that our

export is already too extensive to be beneficial to the general interests of the country, and that any attempt to increase it further, by the refinery of foreign sugar, must tend to enrich the treasuries of foreign states, and to occasion the direct competition in the British market of sugar raised by the foreign slave trade with that of the British plantations.

It is not correct to say, that the falling off in the refining trade of this country is alone attributable to the free competition of foreign refiners; meaning by that competition, that the foreigner, by having a wider range in the purchase of his sugars, has supplanted the British refiner in his business. The true cause of the decline of the sugar trade of Great Britain is, the restrictions which have been imposed by Foreign States, to protect their own subjects; and it is material to consider, that the refining trade of Hamburgh and Bremen has declined in a greater proportion than the refining trade of Great Britain.

Almost all the States of the Continent have sedulously endeavoured to establish refineries within their own territories. It has been their policy to receive raw produce from the place of its production, and to manufacture it themselves. For this end they have imposed restrictions on the importation of refined sugar; and so long as the refined sugar of this country is made from the produce of our own Colonies, which form an integral portion of the Empire, this country has a just right to complain, and must entertain hopes of procuring the removal of these restrictions. But if a purely carrying trade be established, and this country attempt to import foreign sugar, and manufacture it for foreign consumption, the right to complain ceases, and there is no chance whatever of Foreign States removing those restrictions which press so heavily upon the British refiners and British planters. On the contrary, there are just grounds for believing that they would be increased, or that some States whose commerce in sugar is now free, would adopt the restrictive system.

The opening of this market, even under the present restrictions, to the sugars of Brazil and Cuba, is considered by those countries as a new market, in addition to what they have now to the Continent of Europe. They are beginning to discover means of taking advantage of the present regulations, and if it be continued, it will prove such an encouragement to their cultivation of sugar, that they will actively prosecute the slave trade, notwithstanding all laws and treaties to prevent it; and, besides this increase of means, cultivation in those foreign places will undergo a change.

All the slaves hitherto imported from Africa have not been placed on sugar plantations. Many have been employed in raising cotton and other commodities to be shipped to the British market. Several impediments in making sales, and procuring remittances from the Continent of Europe have prevented the foreign planter from cultivating sugar to anything like the extent he had the means of doing; but if the English market were thrown open to him, these impediments would be removed. The convenience which this market is supposed, in the opinion of foreigners, to possess, the facilities of credit, and many circumstances of prospective advantage, would stimulate the foreigner to increase his growth of sugar, and to ship it to this country, consequently the same conversion of coffee and cotton plantations into sugar estates, which has been witnessed in the British Colonies, would be adopted in foreign countries; and although the foreign planter might be disappointed in his expectations of great profit, yet the general production of sugar would be increased, and the general prices depressed.

Any partial adoption of the refining of foreign sugar must produce injury to the British planter, in proportion to the extent to which that foreign sugar is introduced, for there is no deficiency in the supply of British plantation sugar in the British market. This circumstance was pointed out in a Paper submitted to the Board of Trade in May 1830, and on reference to the accompanying Extracts from that Paper, it will be seen that the reasoning of the refiners for the admission of foreign sugar to be refined here for export is not well founded.

Marked N° 1.

Inquiry IV.—“ The grounds on which the West India body claim an equalization of the duties on rum and British spirits.”

This claim is founded on the proposal of Government, dated 24th February 1824, and on the understanding, at the time the distillery law of 1825 was under consideration, that if the extra duty of 1 s. 6 d. imposed upon rum, from the 5th January 1826, should prove to be a prohibition to the use of rum by the rectifier, the question should be reconsidered, and the amount of duty modified.

The Papers, No. 2 to No. 5, are copies of what passed in 1824 and 1825 on this subject.

Although the representations which have been made to Government and to Parliament have hitherto proved ineffectual, yet it is contended that no valid reason has been given for not redeeming the pledge of the Chancellor of the Exchequer in 1825.

The Paper, No. 6, contains extracts of what has passed in memorials and at conferences on the subject since 1825, in which a short statement of the reasoning on this point will be found.

It may be observed, that a reference to the average prices of barley, and those at which British spirits have been sold to the rectifier for the last five years, will prove that the Chancellor of the Exchequer, in 1825, acted upon very erroneous information in his calculation of what would be an equitable protection to the British distiller; indeed the fact that rum is not rectified is conclusive upon that point.

In the Digest, No. XXII., of the Papers submitted by Mr. Douglas, on the 30th October 1830, it is shown that the British distiller has nothing to fear from the competition of rum, as he enjoys, from natural circumstances, ample protection independent of any regulating or protecting duty, and the high duty operates injuriously upon rum in its competition with smuggled brandy.

The great excess of duty in Scotland and Ireland cannot be justified on any principle of legitimate taxation, and, in practice, amounts to almost a prohibition to the consumption of rum in those portions of the empire.

Inquiry V.—“ A statement of the regulations under which the application of sugar to objects of utility and industry is restricted or prohibited in this country, and their effect.”

The use of molasses in the distilleries, and the use of both sugar and molasses in the breweries, is now prohibited by law.

The present duty prevents the use of sugar in the distilleries, and would probably also prevent the use of molasses, unless when barley might be extremely high.

Even at a considerable reduction of the present duty, sugar could not be used in the breweries, but it is probable that molasses might be used to a limited extent in the making of some kinds of beer.

There is no doubt that the excessive rate of duty prevents the use of sugar and molasses in many ways in which they might be extensively consumed, but there seems to be no good reason why the productions of the colonies should not be allowed to be used in any and every way, after payment of the duties of customs.

Appendix, No. 1.

Paper No. 1, relating to the Sugar Refinery; referred to under Inquiry III.

EXTRACT from a Paper submitted to the Board of Trade in May 1830, intituled “ Remarks and Observations of the West India Committee upon
“ a Memorial of a Committee of the Sugar Refiners of London, upon the
“ subject of the admission of Foreign Sugar for Refinery.”

IT is no doubt true that the export of refined sugar from this country has diminished since the peace, but when the refiners assert “ that the cause of this falling off in the trade is solely the want of sufficient supply of raw material,” they give a most incorrect representation of the causes of the alteration that has taken place.

A limited and restricted market, arising from the large direct importations of sugar into the Continent, and from the duties imposed by foreign powers for the protection of their own refiners, and not a want of supply of raw sugar, is the real grievance of the British refiner as well as of the British planter.

During the war, and for some years after the peace, the Continent was inadequately supplied with sugar, and depended for a considerable portion of its demand upon sugar supplied from this country; but Cuba, Brazil, and other sugar countries, having for many years carried on a most extensive slave trade, and continuing to do so, make now very large direct importations into all the Continental markets.

markets. In France, Russia, Austria and the Netherlands, refineries have been established, and are now encouraged by protecting duties against refined sugar from this country; so that sugar from hence in a state of refinement only equal to the Brazil and Cuba sugar is excluded, and in France a large bounty (about 16 s. per cwt.) is given on the export of refined sugar, which enables her refiners to compete on advantageous terms with ours in the other foreign markets which are still open to them.

Under these circumstances, it is only occasionally, when the Continental markets happen to be scantily supplied, or when the state of the exchange renders a remittance in sugar advantageous, that portions of the surplus growth of the British Colonies can be profitably exported. This is every year becoming more difficult; and, with the increased importations from the Mauritius and elsewhere, has already reduced the prices of sugar here so low, that it is quite clear that a continuance of them must destroy the cultivation of a great portion of the old colonies, and bring distress and ruin upon all who are dependent on them.

That there remains but a small supply of sugar in the warehouses immediately previous to the arrival of the new crop, only proves that it is found to be unprofitable to keep old sugar to compete for a sale with the new, and that the planter finds it better to take any price that may be offered than to do so. The period and extent of the new arrivals are well known, and it is only under extraordinary circumstances that any considerable quantity remains or ever did remain over from the previous year. The few cargoes that arrive some weeks before the great mass of the crop, do not sell much higher than the general price of the season, which shows that it is a lower price rather than an increased quantity that the refiners are really contending for.

The experiment which has been tried under the law of 1828 proves, what was sufficiently evident before, that where no advantage can be gained by the refiner through drawback, or the introduction of foreign sugar into the already overstocked home market, the scheme of refining here for the general supply of the Continent is impracticable beyond that quantity which is supplied from the surplus growth of the British Colonies, which must necessarily be sold at prices low enough to allow the refiner to export it, and it is found that even this limited quantity can only be got rid of at prices ruinous to the producer. It is evident, therefore, if this surplus which must be exported be increased by the admission of foreign sugar, that lower prices must prevail in this market, and the distresses of the British planter be greatly aggravated.

If an alteration in the rising scale of duties be made to allow of the refining of foreign sugar for export, it will be found that the revenue will suffer by more money being allowed for drawback than is received for duty; and if the bastards and molasses are admitted to home consumption, this will not only afford the means of concealing the amount of the advantage which is gained at the expense of the revenue, but will bring utter ruin upon the middling and inferior qualities of British plantation sugar, already so depressed, as their prices essentially depend on the quantities of bastard and molasses brought to market. Indeed the petition of the refiners states that the surplus of British plantation sugar which does not find a sale for home consumption consists of the refuse and least desirable of the whole import, and yet they desire very considerably to injure the sale of this very unmarketable sugar, by introducing all the refuse of their own refinery of foreign sugar.

The substitution of a quantity of refined sugar to be exported, in consideration of the admission to consumption of the bastards and molasses arising from refining foreign sugar, would be no compensation to the British planter. This increase would only afford the means of introducing into consumption a quantity of foreign sugar equal in amount to the export of refined made from plantation sugar, and the same surplus on the whole would remain, and would depress prices to a ruinous extent. To compensate the British planter, it would be necessary to take measures by which the present surplus should be first disposed of before the plan of "substitution" comes into play.

The refiners have a monopoly of the trade of refining for home consumption, and of the surplus growth of the British Colonies for export; and it is clear, under the existing circumstances of the present large and free supply of sugar to the Continent, direct from the places of its growth, that this trade cannot be extended beyond this point; for the expense of carrying sugar direct from its place of growth to the foreign ports is not more than it is to the British, and it is not to be supposed that the Cuba or Brazil merchant will send his sugar to this market to be

sold cheaper than it would be at Hamburgh, Bremen, or any other place to which British refined sugar can be sent ; and unless the British refiner can buy cheaper than the foreign refiner, he cannot pay double freight, &c. and undersell him at his own door. It is a gross delusion to suppose that by opening the British market to Cuba and Brazil a quantity of sugar would thus be extracted from the foreign markets equal to what might be brought here. On the contrary, the general supply to the whole market of the world would be increased, for as it is clear the Cuba and Brazil planter, by means of cheaper labour and other advantages, can raise sugar at less cost than the British planter, he would immediately extend his cultivation and undersell the British planter in the British market, and the refiner would find himself in no better situation than he is at present.

The amount of capital invested in the colonies exceeds that invested in the refineries two hundred-fold, exclusive of the advantages derived by the shipping and manufacturing interests from the colonies, and it is only a part of the refiners that depend on an export trade. There is therefore no comparison of the national interests at stake in this question.

The real object for which the refiners are contending, is to attract such a quantity of sugar to this market as will cause the prices here to be lower than on the Continent. But this could not be permanently done from countries to which the markets of the whole world are open.

It will be seen from the previous observations, that a decided conviction is entertained by the Committee of West India Planters and Merchants, that under existing circumstances the trade of refining sugar for foreign markets cannot be extended, and that the admission of foreign sugar to the home consumption would bring certain ruin upon the British colonies, so long as their growth exceeds the consumption of this country.

Appendix, No. 2.

Papers, Nos. 2 to 6, relating to Rum ; referred to under Inquiry IV.

24th February 1824.—COMMUNICATION from Lord Liverpool, and the Chancellor of the Exchequer, to the Chairman of the Standing Committee.

PROPOSED to be conceded or considered by the Government :—

To take off from the permanent excise duty on rum, 1 s. 1½ d. per gallon.

To allow, in the case of rum, the following modification of the general rule, under which all other commodities warehoused under bond are charged with duty when taken out for home consumption, according to their original landing weights or measures, viz. :—

That all rums not having been warehoused more than two years, may be charged with duty upon the actual measure and strength when taken out.

That all rums warehoused, shall at the end of two years, be reguaged and proved, and that the duty upon the delivery thereof at any period afterwards, shall be charged upon the strength and measure ascertained upon such reguaging.

These regulations to be in force for three years from the present time, being acceded to with respect to rum, upon the ground of the special circumstances affecting that commodity at the present period, which are not applicable to other articles of importation.

That the proposition of permitting rum to be rectified and used in the preparation of compounds in the same manner as British spirits, (with the difference that rum is to be charged with the duty of 10 s. 6 d. on proof strength, while the British spirits are only charged with the duty upon 7 per cent. above proof) will be taken into consideration, but that no positive assurance can be given upon that point at present.

These concessions to be made under a clear understanding with the West India proprietors and merchants, that they could not possibly be made if any reduction of the duties on sugar were to be admitted.

19th January 1831.—*N. B.* The above communication was made in consequence of the notice given by Mr. Joseph Hume, on the 13th of February 1824, of a motion in the Committee of Supply for the reduction of the duty on sugar to 15 s. per cwt.

—Paper No. 3.—

8th March 1825.—Points discussed in conference with the Chancellor of the Exchequer.

THE reason given by the Chancellor of the Exchequer for the difference of 2 s. per gallon on the proposed duties on corn-spirit, and rum, is understood to be this ;
 “ That the manufacturer of spirit from corn in England is liable to charges
 “ which do not apply to the manufacturer of spirit from sugar or grain in the
 “ colonies. He buys his malt and corn at a price rendered higher by the artificial
 “ operation of the Corn Laws.”

And upon this principle it is proposed to give the corn distiller a protection of 2 s. per gallon, on the amount of duty.

N. B.—Without controverting this principle, it is to be considered, whether the price of corn is thus enhanced to an extent equivalent to 2 s. per gallon, or to what extent?

—Paper No. 4.—

13th May 1825.—The Chancellor of the Exchequer, to Charles Ellis, Esq.

My Dear Sir,

Downing-street, May 13th 1825.

I HAVE considered and reconsidered, with every disposition to meet the wishes of the West India Body, the subject discussed here last week, of the proposed duty upon rum ; and I cannot bring myself to think that I have taken in any degree an unfair view of the case. In the enclosed memorandum, (which proceeds upon the same principle as that which I before submitted to you) I have assumed 24 s. per quarter, instead of 20 s. per quarter, as the probable price of barley without any Corn Law at all ; and 28 s. instead of 24 s. as the probable price of malt, supposing no Corn Law, no Malt Duty, and no inconvenient or expensive restrictions upon the making of malt. The result of this calculation still brings me to the conclusion that 1 s. 3 d. is the just difference which ought, under the present Corn Laws, to exist between British spirits and rum. But I am ready to repeat, that any future alteration of the Corn Law which should reduce the amount of its effect on the price of barley, would justify the West Indians in seeking a proportionate reduction of the proposed difference of duty, as between British spirits and rum.

I shall regret if my decision upon this question shall not be approved by the West India Body ; but I can truly say, that in all the other points connected with it, and with many other articles of West India produce in which I have conceded to their wishes, I have done so upon a distinct belief and understanding that I was doing them an important service ; and if that, which when asked, is described to be of great consequence, is, when obtained, represented as worth nothing, I am sorry for it, but it is not my fault.

(signed) *F. Robinson.*

(The following Memorandum accompanied the above Letter.)

The average price of barley for the last eight years was about 30 s. per quarter. Malt, including duty, may be taken at nearly double the price of barley, say 70 s. If therefore the distiller uses three fourths grain and one fourth malt, the cost of the materials for making 20 gallons of spirit (the quantity assumed to be produced from a quarter of corn) would be as follows :

| | s. | d. |
|--------------------------------------|-----------|----------|
| Three fourths of a quarter of barley | 27 | — |
| One fourth - - - malt | 17 | 6 |
| | <u>44</u> | <u>6</u> |

Now if there were no Corn Laws at all ; no duty upon malt ; no restrictions upon the manufacture of malt ; and no prohibition to the import of foreign malt, it is reasonable to assume that the price of barley would not exceed 24 s. ; nor the price

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of malt exceed 28 *s.* per quarter; and upon that hypothesis, supposing the same proportions as assumed before, would be as follows:

| | |
|--|------------|
| | <i>s.</i> |
| Three fourths of a quarter of barley | - 18 |
| One fourth " " malt | - 7 |
| | <hr/> 25 |
| This being deducted from the assumed cost arising out of restriction | <i>s.</i> |
| and duty | - 44 6 |
| | <hr/> 25 - |
| would leave | - 19 6 |

chargeable upon the effects of the existing restrictions and duties.

This sum divided between 20 gallons of spirit would amount to nearly 1 *s.*, to this must be added 4 *d.*, being the estimated effect upon the price of spirits, of the restrictions upon the manufacture of spirit, and the payment of duty as soon as charged; so that upon the whole, it may be fairly assumed that the total charge upon the materials and manufacture, arising out of the Law, is very nearly 1 *s.* 4 *d.*; but it is not proposed to give more protection to the distiller from corn than 1 *s.* 3 *d.*

19th January 1831.—*N. B.* In the above calculation, no consideration is given to the effect of the restrictions and charges under which the planter carries on his distillery, and brings his rum to this market.

— Paper No. 5. —

17th May 1825.—Minute of Standing Committee.

The Chairman communicated to the meeting the determination of the Chancellor of the Exchequer to reduce the duty on rum, in favour of British spirits, from 2 *s.* as originally proposed, to 1 *s.* 3 *d.* per gallon; and to allow the rectification of rum.

Standing Committee Minutes.

IT was resolved, That the Chairman be requested to communicate to the Chancellor of the Exchequer that this Committee feel most thankful for the concession granted, in allowing rum to be rectified; a permission, the value of which experience has not enabled them exactly to appreciate, but which they trust will prove of considerable benefit, unless its advantages should be defeated by the magnitude of the duty, which is imposed upon rum, as a protection to spirits made from barley, which this Committee continue to consider under all the circumstances as excessive, and not necessary for its professed object.

They confide in the assurance given by the Chancellor of the Exchequer, that should there occur any future alteration of the corn laws, which should reduce the amount of its effect upon the price of barley, he will admit the justice of the claim of the colonies, to a reduction of the proposed rate of duty between British spirits and rum; and they trust that if the difference of duty, as it is now intended to operate, should be found in practice to be as disadvantageous to the colonies as their fears predict, the Chancellor of the Exchequer will be disposed to adopt a measure for their relief.

— Paper No. 6. —

Extracts of Memorials and Minutes of Conferences on the subject of Rum-duties with the Chancellor of the Exchequer.

Extract of Report, 11th November, 1828.

THE Special Committee, to whom it was referred by the General Committee of West India merchants, at their meeting of the 7th instant, " to take into consideration the rum-duty, as it attaches in England, and also in Scotland and Ireland; " and to give attention to what passed in conference with Lord Goderich (then Chancellor

“ Chancellor of the Exchequer) on the 14th April, 1826, and the 31st January, 1827 : thereupon to ground an early appeal to the present Chancellor of, the Exchequer, with a view to an encouragement to the consumption of rum at this period when the price of grain is high,” and to report thereon to that Committee, make the following report ;

That Lord Goderich, on the 14th April, 1826, unequivocally declared, that “ it had been, and still was, his intention to render the admission of rum to rectification effective for promoting the consumption of that article ; and that if upon sufficient experience the duties then fixed should be found to prevent that result, he would be open to a consideration of them, with a view to the accomplishment of his declared purpose.”

That on the 31st January, 1827, Lord Goderich, in conference with the same deputation, further expressed himself on this subject, in the following terms, that he “ could not foretel what turn the approaching discussion on the corn question might take ; but that he was decidedly of opinion, that the question of the rum-duty could be most conveniently considered with relation to what should or should not be done, with regard to corn ; although, even if Parliament should make no alteration in the corn laws, he did not therefore decide that the rum-duty should receive no further consideration ; his inclination would be to lower it in Scotland and Ireland, if that could possibly be effected without great inconvenience ; and the propriety of drawing back a part of the duty upon rum admitted into rectification might be re-considered.”

That although your Committee are not possessed of any official document, showing the quantity of rum admitted recently to rectification, yet, after diligent inquiry, they feel assured that the quantity is inconsiderable, and only for making compounds, not for making gin ; that the colonial interest has not derived the benefit from the admission of the article into rectification which the Minister had in view, the amount of extra duty operating as a prohibition.

That the relative duties upon British spirits, and upon rum, are in fact more disadvantageous to the latter than they were under the old distillery law. It was declared by the Chancellor of the Exchequer, that the extra duty of 1 s. 6 d. per gallon was not imposed as an object of revenue, but as what was conceived by the Chancellor of the Exchequer to be an equitable protection to British spirits ; although it was contended at the time by the West India body that it would be in effect, what it has proved, a prohibition.

That Parliament having come to a settlement of the corn question, and therein placed corn from British colonies on a certain footing relative to British and foreign corn, admitting that, as a colonial production, it is entitled to a preference over foreign corn, it would follow that, as rum is as much a staple production of the sugar colonies, as barley is of the grain colonies, the extra duty imposed upon rum ought only to be equivalent to the duty imposed upon colonial barley, which being at the utmost 2 s. 6 d. per quarter, (and reduced to 6 d. at the present high price of corn) would, at the highest, correspond with an extra duty of 1 ½ d. per gallon upon rum, and at this time with a duty of a little more than ¼ per gallon.

That it was admitted by Lord Goderich to be his wish to effect a reduction of the rum-duty in Scotland and Ireland, where it is subjected to 8 s. 6 d. per gallon duty, while the British spirits consumed there pay only 2 s. 10 d. per gallon ; and your committee feel a conviction, that there can be no greater difficulty in levying in those parts of the United Kingdom a lower duty upon rum than exists in levying in the same parts a lower duty upon British spirits, than that which is paid in England.

This report was transmitted to the Chancellor of the Exchequer, and a conference took place on the 2d December, 1828, the following is an extract of the report of what passed on that occasion :

“ The Deputation not only urged, earnestly, and at great length, the considerations and arguments contained in the report, but also represented that when in the year 1824, the duty on rum was reduced, that measure was understood to be in partial satisfaction or substitution for a considerable reduction of the sugar-duty, which was then loudly called for, and which, it was highly probable, might have obtained the sanction of the House of Commons ; that reduction however continued only from 17th May, 1824, to 5th January, 1826, when, under a new distillery-law, the present extra duty of 1 s. 6 d. per gallon, was imposed. The Chancellor of the Exchequer, after a good deal of discussion, expressed his own opinion that the report did not make out a case which called for a reduction of the

rum-duty in England; and that so many and various were the difficulties in the way of a reduction of that duty in Ireland and in Scotland, that His Majesty's Ministers could not attempt to effect it.

The Deputation maintained the soundness and solidity of their case, and declared, that such was the conviction of the West India body on that subject, that should they be unsuccessful in producing any change of sentiment in the Chancellor of the Exchequer, they would feel it do be their duty to persevere in urging their claim for justice on his Majesty's Government, and on Parliament.

The Chancellor of the Exchequer said, that he would *yet* take the whole subject into further consideration, and communicate to the Committee the result.

The justice of the claim to be placed on as favourable a footing as Canada, was urged, apparently with some effect, on the Chancellor of the Exchequer.

COPY of a Letter of the Chancellor of the Exchequer, to C. N. Pallmer, Esq. M. P. dated 19th January 1829.

Sir,

Downing Street, 19th January 1829.

I HAVE had the honour of receiving your letter of 24th December, transmitting to me a copy of the resolutions passed at a meeting of the standing committee of the West India planters on the 23d ultimo, the object of which is to procure a further reduction of the rum-duties. The general reduction of the duty appears from the documents which accompany the resolution to be urged upon two grounds. The first is, that Lord Goderich, when Chancellor of the Exchequer, expressed it to be his intention that rum should be effectively admitted to rectification.

The second is, that the duty upon barley imported from the North American colonies is lower than that imposed upon rum, the produce of the West India colonies.

A partial reduction of the duty in Ireland and Scotland, corresponding with the lower duty on Irish and Scotch spirits, is another point urged in the resolutions.

Since I had the pleasure of an interview with the Deputation from the West India body, I have given my best consideration to the several circumstances stated by them, and to those facts which necessarily affect the question which you have now brought before me.

It appears that the quantity of rum brought into consumption in this country, since the period at which the rum-duty was fixed at 8 s. 6 d. has very considerably increased.

In the year ending October 1825, it was 2,500,000 gallons; in the year ending October 1828, it was 3,200,000 gallons. There is therefore no reason to presume that the duty has interfered with the consumption of the article.

I find also that during the same period the price obtained for rum has risen from an average of 2 s. 9 $\frac{1}{2}$ to 3 s. 2 $\frac{1}{4}$, which does not justify a supposition that the profits of the manufacturer have been affected by the duty. Viewing therefore the question with reference to the state of the consumption of the article, or to the price at which it is sold now, as compared with that at which it sold in 1826, there does not appear to be any good ground for a reduction of the duty. I am ready to admit that Lord Goderich contemplated, as one of the results of the measure of 1826, an increased facility in the admission of rum to rectification; and that circumstances, among which the increased price of rum is not the least, have defeated that expectation. But the whole course of his proceeding distinctly negatives the idea that he intended to give anything like an assurance that the duty on rum should be so reduced as to ensure, under all circumstances, its admission to rectification. His view was accurately to apportion the duties on rum and British spirits respectively, so as to give, as the resolutions of the West India body truly express it, "An equitable protection to British spirits." After an accurate examination of the expenses necessarily incurred in the manufacture of each article, rum was subjected to 1 s. 6 d. per gallon more of duty, in consideration of the heavy expenses to which the English distiller was found to be liable.

The price of barley, the raw material of the British distiller, was at that time 33 s. 4 d. per quarter; it cannot be contended that the duty fixed, partly with reference to that price, can now be considered as excessive, when the price has risen to 37 s.

With respect to the second ground on which a reduction of duty is urged, I would beg to observe, that the duty levied on rum, the manufactured article of one colony

colony does not admit of a just comparison with that levied on barley, the raw produce of another; but it is not necessary to enter upon this argument, because in fact the duty on rum was fixed, not with reference to the duty on the corn of the North American Colonies, but, as the West India planters observed, with reference to what might give British spirits an equitable protection against rum in the consumption of this country.

If therefore the additional duty of 1 s. 6 d. per gallon does not exceed what is necessary for this object, and from every inquiry it appears to me, that under present circumstances it does not. I do not think that there is adequate ground for proposing a reduction of the duty. It would have been satisfactory to me if I had been able to devise any mode compatible with the safety of the revenue, of placing the rum-duty in Ireland and Scotland more on a level with the duty imposed in those parts of the United Kingdom upon spirits of home manufacture. But the losses and risk incurred by the inequality of the duties in the two parts of the United Kingdom would be so greatly enhanced by placing rum on a similar footing with spirits, that I cannot justify to myself the encouragement of any expectation that that result can be attained.

I have the honour to be, Sir, Your obedient servant,
(signed) *Henry Goulburn.*

EXTRACT from Memorial of the Standing Committee of the West India Planters and Merchants, in answer to the foregoing Letter.

"THERE appears unquestionably to be a very considerable increase in the consumption of rum in 1827, compared with that in 1825, (being 3,288,606 imperial proof gallons in 1827, and 2,095,687 imperial proof gallons in 1825; (as per pp. 556, 1828,) but in 1825 the consumption of rum was unusually small.

"The consumption in 1824 was 2,552,289 imperial proof gallons, (*vide* p. 307, May 1827) and the average of the five preceding years in 1819 to 1823 inclusive, was 3,330,657, old gallons (*vide* p. 249, April 1826.)

"It does not appear by that paper that the above quantity includes the overproof; and it is well known that a great portion of the rum taken out of bond for home consumption, during that period, was from 25 to 35 per cent overproof, whereas the consumption of 3,288,606 imperial gallons in 1827, include the overproof; and it is presumed the return quoted by the Chancellor of the Exchequer, 3,200,000 gallons, in the year ending in October 1828, does the same.

"In 1824, the duty on rum was reduced, and from that time until January 1826, the extra duty on rum was only 5 d. per gallon, when the different modes of taking the duty on rum and home spirits was regulated.

"During this period, it appears that the consumption of rum did not increase, showing that it did not interfere with the consumption of British spirits at an extra duty of only 5 d. per gallon, and the duty was still too high to allow it to interfere with smuggled brandy; but in 1827, the duty having been previously reduced, it is reasonable to presume that the increased consumption of rum was at the expense of smuggled brandy, and the fair inference therefore is, that any additional stimulus to the consumption of rum would tend further to discourage a practice as hurtful to the morals as it is injurious to the revenue of the country.

"Respecting the comparative prices of rum and British spirits, the Chancellor of the Exchequer appears to have omitted to notice the alteration of the gallon. The price of rum (proof) in October 1825, was 2 s. 1 d. per old gallon, or 2 s. 6 d. per imperial gallon; whereas the price in October 1828 was 2 s. 4 d. per imperial gallon, (proof strength) being a fall of 2 d. per gallon, notwithstanding the increased consumption, and, consequently, the Chancellor of the Exchequer has no ground for appealing to an increase of price as a cause of rum not being rectified.

"Without pretending that Lord Goderich gave an assurance that "the duty on rum should be so reduced as to ensure, under *all circumstances*, its admission into rectification," yet it will surely not be contended that it was in his contemplation that it should, "*under all circumstances*," be practically excluded.

"Indeed it is not to be supposed that he would have recommended to Parliament to enact a deception, by substituting a prohibitory duty for a legal prohibition; and yet it is manifest, from the following calculation, that the extra duty of 1 s. 6 d. is absolutely prohibitory.

| | £. | s. | d. |
|---|----|----|----|
| “ Extra duty - - - - - | - | 1 | 6 |
| “ Expense of rectifying rum beyond that of British spirits - | - | - | 6 |
| “ Price of cask, freight, insurance, waste by leakage, upwards of | - | 1 | 2 |
| Making a Total of £. | - | 3 | 2 |

“ which is as nearly as may be the present price of British corn-spirits used in rectification, consequently, the planter must, under the present duties, abandon all hopes of a consumption of his article in rectification unless he will consent to part with it for the bare expenses of carrying it to market, and without any consideration for the article itself.

“ This Committee has represented that the British Legislature, in regulating the corn-duties, has acknowledged the claim of preference due to colonial over foreign productions; and the West India Colonies have, under present circumstances, upon the same ground, a claim for some consideration similar to that which has been granted to the grain of Canada; for although one may be called a raw, and the other a manufactured, article, yet it is as essential to the cultivation of the West Indies that a fair price should be obtained for rum, as it is to that of Canada, that a fair price should be obtained for barley.

In ascertaining what may be estimated to be an equitable protection to British spirits against rum, the comparative expenses and disadvantages under which the two articles are produced, ought to be considered, and in respect to rum this appears to have been overlooked.

“ In what has been stated above, it is seen that the bare expense of conveying rum to the home market, is 1 s. 2 d. per gallon. As each sugar estate, however small, must have its separate distillery, the planter's production of the article is necessarily upon a very limited scale, compared with the establishments of the distillers in this country, a circumstance which necessarily creates a much greater expense in the production of the spirit.

“ This is exemplified in the utter inability of the small distillers and brewers in this country to compete with those of large capital and extensive establishments.

“ The planter must look for all his utensils and fuel, to importation from the mother country, at an enormous expense in the first cost, and in the freight and charges; and, again, he is subjected to losses and embarrassments from having to look to this country for materials, and aid in repairing accidental injuries.

“ These considerations, when taken together, lead this committee to conclude that the distiller has an ample protection against rum without any extra duty.

“ The importation of rum is most beneficial to various important public interests, particularly to the shipping interests, and to all those connected with that vital branch of public prosperity: this consideration alone, as it appears to this Committee, should be sufficient to induce His Majesty's Ministers to contend with some difficulties which may stand in the way of its fair consumption, in two divisions of the Empire; for, although there might be some small risk of rum, when it gets into the hands of a dealer, in parts of Scotland approximated to England, making its way to consumption in England, yet this could extend to only a small portion of the article, and would admit of an easy check; and, besides, it is evident that what is practicable in regard to home-made spirits, is at least equally so in respect to rum; and the Committee submits that some degree of risk and inconvenience might be contended with, rather than to continue a tax which operates partially and injuriously upon a portion of His Majesty's subjects, who are also suffering great distress from other causes.”

In reply to this Memorial the Chancellor of the Exchequer, in a letter to C. N. Pallmer, Esq. dated 27th April 1829, stated that he saw no reason to change the opinion expressed in his letter (as above) of the 19th January.

It appears, therefore, that the Chancellor of the Exchequer does not admit the force of the reasoning contained in the above quoted Memorial of the 4th February 1829, by which the West Indian body considered that they had demonstrated that both the consumption and the prices of rum had been injuriously affected by the duty, and that the difference of the duty as settled in 1826 was disproportioned and excessive; but it is submitted that the Chancellor of the Exchequer has not refuted the reasoning in that Memorial, or enforced his own arguments which the Committee consider had been satisfactorily answered.

Appendix, No. 3.

Separate Paper on Inquiry I. relating to Jamaica.

IF those measures of relief which have been suggested should not be adopted, or being adopted, should fail in their effect, the cultivation and manufacture of sugar and coffee, the two great staple productions of the West India Colonies must be abandoned; the immense capital embarked in lands and slaves must speedily cease to be of any value; the interests which are vested in those Colonies must become sacrificed; and the numerous persons whose whole dependence is on those interests will be reduced to beggary.

There is no colony in which the progress to these consequences will be so rapid, nor the consequences themselves so general and extensive, as in the Island of Jamaica.

The average proceeds of the produce of sugar and coffee plantations do not afford a remuneration for the cultivation. In numerous cases the expenses of that cultivation could not be defrayed without assistance. A large number of proprietors could not furnish that assistance from their own resources; they have been obliged to have recourse for that purpose to the mortgagees for advances; but the latter will cease to afford that assistance, because they perceive their debt accumulating to an amount which the sale of the mortgaged property cannot discharge.

The proprietor who can furnish the aid he requires for continuing the expense of cultivation, or the mortgagee who has been obliged to take the mortgaged property in payment of his debt, will no longer be disposed to add to the loss they have already sustained. It would be madness to continue adding to the sacrifices which have been already made, in the expectation that the period would at length arrive when Government would no longer refuse the justice which the colonists ask.

These considerations have already begun to operate. Coffee and sugar estates have been thrown up. The lands and works produce nothing, and the slaves are brought to sale at the reduction in price which must be the consequence of a sale induced by such a cause.

To appreciate the full effect of the progress of the abandonment of the cultivation of these productions, we must bear in recollection the extent of the island of Jamaica; that its Negro population exceeds 340,000; that there are other interests in the island which owe their existence to, and are altogether dependent on, the cultivation of sugar and coffee estates; and that when that cultivation is abandoned there is no other purpose in which the labour of the slave population can be employed or rendered productive to their owners.

It is obvious that the penins or grazing farms exist only for the purpose of supplying the sugar estates with cattle; and consequently the destruction of the latter description of property would involve that of the former.

The cultivation of indigo and cotton, which at a former period of the history of the island were the sources of great wealth, has been long since abandoned; owing, in a great measure, to the oppressive duties to which those articles were subjected; and it would be impracticable to resume it. With respect to other minor articles of production, which require but light labour, such as pimento, ginger, arrow root, preserves, &c., they are at present cultivated to an extent greatly exceeding any demand for them.

The causes which would compel or induce the abandonment of the cultivation of sugar and coffee would operate on a very large proportion of the present proprietors of sugar estates. The number of the latter would so greatly exceed that of the proprietors who would be able or willing to continue it, that there could be nothing like a demand for the slaves whom their owners would be obliged to sell, notwithstanding the very reduced and ruinous prices at which they might be purchased. Another consequence must be, that a very great proportion of slaves for whom no purchasers could be found would be unemployed.

The lands and slaves constitute the principal and the only means by which the annual revenue of the island is raised for defraying the whole expenses incident to its civil government, as well as the interest on the debt which is due to the public creditors in respect of the island loans. There would be no longer a tax on land which is abandoned, or a poll-tax in respect of slaves who were not in the employment of their owners. Is the whole of this revenue to be raised in respect of the

lands and slaves of the few proprietors who retain their estates? If that be the case, it is quite clear that any increase in the price of their produce by the decrease of cultivation would be more than equalled by the increased burden which they must thus sustain. Here then is an additional motive for an abandonment of the cultivation by them also. The annual expenditure for the civil government could not be reduced; it must either be defrayed by the British government, or the colony must be abandoned.

Again, the owner having no longer the means of providing the slaves with clothing, support and protection, the great bond of union between them would be dissolved; they would form themselves into hordes, and live in a state of lawless freedom, depravity and beggary. The few proprietors who had endeavoured to continue the cultivation of their estates would soon feel the effects of that complete disorganization which would speedily follow. The conduct and example of these idle or unemployed slaves would produce an influence on those who were still retained on their owners estate, destructive of all order, a scene of anarchy and violence must ensue, and the owner would be compelled to abandon the estate in order to preserve his life.

It is to be observed that these disastrous results are not confined to the planter. Jamaica, from its extensive cultivation of sugar and coffee, furnishes the basis of a very considerable trade carried on within the island, which would have no existence if the cultivation of sugar and coffee were abandoned. The chief trade now carried on in the city of Kingston, as well as in the other mercantile towns, is of this description. The mercantile interest therefore would also be sacrificed. Jamaica would thus be left to its slave and coloured population; a dreadful conflict would take place between those two classes of persons; the numerical strength of the slaves would ultimately prevail; the island would be possessed by its 340,000 slaves, and the survivors of the coloured population, and would become a perfect wilderness, the resort of pirates and buccaneers. In this state would Jamaica continue, until perhaps some neighbouring power had interposed for the purpose either of removing this nuisance or of rendering the island subservient to her own purposes.

Such inevitably will be the state of misery and ruin in which the colonists and the numerous persons whose interests are embarked in Jamaica will be involved; and to this state they have been reduced because they have so long endured the refusal of the government of the mother country to afford them that relief from war taxation, &c. to which has been in a greater or less degree extended to every other interest in the British Empire.

— No. 6. —

STATEMENT respecting Cocoa.

IN consequence of the high price of cocoa previously to 1824, and the expectation that Government would encourage the cultivation of that produce on account of its being less laborious than that of sugar, many large plantations were formed in Trinidad.

These plantations have lately come into full bearing (the cocoa-tree requiring seven years to come to perfection), but the planters, instead of finding themselves about to be remunerated for their labours, see nothing but ruin before them, the actual price of cocoa not being sufficient to pay the expenses of its cultivation. The consequence is, that already many estates have been abandoned, and the Negroes transferred to sugar plantations, and if Government do not grant some relief the same result must take place with the rest, and thus add to the already superabundant supply of sugar. The free people of colour, by whom much cocoa is cultivated, are in the greatest distress.

The cocoa planters complain, that although they were induced to embark in the cultivation of that article by the recommendation of the Colonial Government, and notwithstanding the low price of their produce, foreign cocoa is mostly used in the British navy in preference to that coming from our own colonies (the quantity contracted for since 1821 being, foreign, 1,487 tons, British plantation 247), on account of the former being something cheaper, which it must ever be, principally imported as it is from countries which still carry on the slave trade.

The

The average price of cocoa in 1823 was - - - - 89 s. a' 99 s.
 in 1824 - - - - 72 s. a' 80 s.
 Since when it has gradually descended to the average of 1830 of - 27 s. a' 53 s.

To relieve the cocoa planters, it is suggested that in all future contracts Government should contract exclusively for British plantation cocoa, and that the duty both on cocoa and chocolate should be sufficiently reduced to bring them into more general consumption. To effect this object the reduction of the duty ought to be large, say two thirds; for as cocoa requires more trouble in its preparation for use than either coffee or tea, some inducement is necessary to persuade people to its use. In 1825 the duty was reduced one half, but that has not been sufficient to increase the consumption much; and the duty on chocolate amounts nearly to a prohibition, though at the period of its admission to entry at its present rate it was avowedly for the purpose of relieving the cocoa planter. At present the consumption of Great Britain is considerably less than that of the navy alone.

Cocoa is considered as very nutritious, and if brought within the reach of the lower classes would add very much to their comfort.

The objections hitherto made to applications that the contracts for the supply of the navy should be confined to British plantation cocoa, have been the high price and the insufficiency of the quantity produced in the colonies. In answer to the first objection it is contended, that if it were known that a regular demand would take place in this country, a sufficient quantity would be sent here to prevent any unfair combination on the part of the contractor, as it is the uncertainty of the demand that prevents shipments being made to this country; and with regard to the second, the Island of Trinidad alone exported

| | | | |
|------------------|---|---|-----------|
| in the year 1827 | - | - | 3,671,333 |
| 1828 | - | - | 2,773,500 |
| 1829 | - | - | 2,570,000 |

of which fully three fourths were shipped to Gibraltar.

WEST INDIA COLONIES.

STATEMENTS, CALCULATIONS, and EXPLANATIONS submitted to the BOARD OF TRADE, relating to the Commercial, Financial, and Political State of the BRITISH WEST INDIA COLONIES, since the 19th of May 1830.

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